

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

253

2024:PHHC:005999
CRM-M-1022-2024
Date of decision: January 16, 2024

NIRMAL SINGH @ NIMMA
.....Petitioner

Versus

STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. A.P.S. Tung, Deputy Advocate General, Punjab
with ASI Chamkaur Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.68 dated 04.06.2022 (Annexure P-1) under Sections 15, 25, 29, 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Badhni Kalan, District Moga.
2. Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been panted upon the petitioner and that too on the basis of a disclosure statement allegedly suffered by co-accused Mandeep Singh and Satnam Singh, from whom the alleged recovery of 50 bags of poppy husk was effected. He submits that the evidentiary value of the disclosure statement so suffered is of a weak nature. It has also been submitted that on being arrested pursuant to the disclosure statement suffered by the co-accused, no recovery of any contraband, much less poppy husk was effected from him, which further lends credence to his being falsely implicated in the case in hand.

3. Learned counsel for the petitioner has submitted that a supplementary challan was presented against him on 12.03.2023 and till date, only one prosecution witness had been partly examined.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute that the petitioner was not apprehended at the spot along with the co-accused, from whom the alleged recovery was effected, nor was any recovery effected from him pursuant to his arrest on 25.01.2023. It has however been submitted that the petitioner is involved in another case under the NDPS Act. However, in the said case as well, he was nominated as an accused on the basis of a disclosure statement and therein also, no recovery of any contraband was effected from him.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. The petitioner has been in custody since 25.01.2023. The petitioner was not initially challaned and it was only on 12.03.2023 that the supplementary challan was presented against him. As many as 20 prosecution witnesses have been cited by the prosecution and hence, there is no possibility of the trial concluding in the near future.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. The petition as such is allowed, and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

January 16, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No