

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

241/1

CRM-M-55924-2023 (O&M)
Date of Decision:- 29.01.2025

NISHAN SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Harmanpreet Singh, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
131	15.09.2023	21 and 29 of the NDPS Act; 25 of the Arms Act	Chatiwind, Amritsar Rural

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the basis of secret information. He contends that no contraband was recovered from the petitioner and as per the police version, one pistol along with one live cartridge was allegedly recovered from the petitioner. He further contends that the contraband i.e. 263 grams of heroin was allegedly recovered from co-accused Satnam Singh with whom the petitioner has no



concern. He submits that the petitioner is in custody since 15.09.2023, after the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 10 witnesses, but till date, none has been examined. He thus prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has assailed these arguments and prayed for dismissal of the petition, considering the nature and gravity of offence. He contends that one country-made pistol along with one live cartridge was recovered from the possession of the petitioner. However, he admits that no narcotic substance was recovered from the possession of the petitioner.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the basis of secret information and accordingly a raid was conducted at the house of Satnam Singh, wherein Satnam Singh was apprehended and was found in possession of 263 grams of heroin along with one pistol and two live cartridges, whereas petitioner-Nishan Singh was found keeping in his possession one pistol along with one live cartridge, while co-accused Gurpreet Singh alias Gopi was found with one pistol, which were taken in possession. Admittedly, no narcotic substance has been recovered from the possession of the petitioner. After the completion of investigation, challan has been presented in the Court, which is pending trial and the prosecution has cited 10 witnesses, but none has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial,

which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

29.01.2025
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |