

**In the Court of Ravinderjit Singh Bajwa,
Additional Sessions Judge, Amritsar
(UID No.PB0231)**

CNR No. PBAS010063672024



Case No. BA/2437/2024

Presented on : 10-04-2024
Registered on : 12-04-2024
Decided on : 23-04-2024

Nitin Kumar son of Shri Vinod Kumar, aged 39 years, resident of House No.141, Second Floor, Sector 21, Rohini, Delhi.

....Applicant-accused.

Versus

State of Punjab.

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**FIR No.** 305 dated 21.12.2022.  
**U/s.** 22(C)/27-A/29/61/85 of NDPS Act read with sections 420, 468, 471, 120-B, 34 of IPC.  
**Police Station** 'A' Division, Amritsar.

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Second Bail Application Under Section 439 Cr.PC.

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**Present :** Shri AK Vermani, Advocate  
counsel for applicant-accused Nitin Kumar.  
Mrs.Neeraj Azad, Additional PP for the State.

**ORDER**

1. By this order, this Court intends to dispose of this second bail application under Section 439 Cr.PC having been filed by applicant Nitin Kumar.

2. Notice of the bail application was served upon the State through learned Additional PP attached to this court along with copy of bail application, who received the same, appeared and contested the bail application on merits. The main challan file which is pending in this court has also been put up by the Ahlmad and perused.

3. I have heard the respective submissions of both the sides and carefully gone through the file.

4. Applicant-accused has submitted that his earlier bail application was dismissed by the predecessor of this court on 11.04.2023. That after dismissal of first bail application, applicant had filed an application for his discharge in the present case as there was no allegations against him for possessing of any contraband. That this court had accepted the contentions of applicant-accused vide its order dated 05.04.2024 and held that applicant-accused is liable only under the provisions of Indian Penal Code and has been discharged under the

NDPS Act. That applicant-accused is already in judicial custody for more than 1½ years, therefore, he has prayed that he be granted regular bail.

5. On the other hand, learned Additional PP for the State has opposed the bail application of applicant-accused on the ground that allegations against the applicant-accused are serious in nature so he does not deserve the concession of bail. A prayer for dismissal of the bail application has been made.

6. From the submissions made by learned counsel for the applicant-accused and learned Additional PP for the State, I am of the considered view that vide order dated 05.04.2024, this court has already discharged applicant-accused under the NDPS Act and it has been held that only charges regarding cheating and forgery are made out and charge under the Indian Penal Code can be framed against him. That as the applicant-accused had already been discharged under the provisions of NDPS Act and remaining evidence against him is documentary in nature, therefore, I am of the considered view that he is entitled to be released on regular bail. Accordingly, the instant bail application under Section 439 Cr.PC filed by the applicant-accused

stands allowed and he is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of this court subject to the following conditions :-

- A. That the applicant shall appear before the Trial Court on each and every date of hearing.*
- B. That the applicant shall not directly or indirectly induce or coerce any witness of prosecution so as to dissuade him from deposing as witness in the Court.*
- C. That the applicant shall not leave India without prior permission of the Court.*

Applicant/accused be intimated immediately about granting bail to him through Superintendent, Central Jail, Amritsar through E-mail. The record of this bail application be attached with the main challan file.

**Pronounced.  
23.04.2024.**

**(Ravinderjit Singh Bajwa),  
Additional Sessions Judge,  
Amritsar (UID No.PB0231).**

**\*dalipkumar  
Stenographer Grade-I.**