

UID No. PB 0197 Joginder Pal VS State of Punjab

IN THE COURT OF SH. K.K.SINGLA,
ADDITIONAL SESSIONS JUDGE, GURDASPUR.

Bail application CIS BA No. 3020 of 2019
CNR.No. PBGD01-009726-2019

Date of decision:- 30.9.2019

Joginder Pal son of Rattan lal R/o Village Sohal,
P.S.Dhariwal Tehsil and District Gurdaspur.

...Accused/applic

ant
State of Punjab

Versus

..Respondent

FIR No. 117 of 2018
Under Sections 22/61/85 NDPS Act
P.S. Dhariwal

Present : Sh Bhuvnesh Mahajan, Advocate, counsel for
applicant/accused.
Sh Kiran Kumar Addl. P.P for the State

ORDER.

1. Vide this order, I shall dispose of bail application filed by accused/applicant Joginder Pal under Section 439 Cr.P.C for grant of regular bail in FIR No. 117 of 2018 Under Sections 22/61/85 NDPS Act P.S. Dhariwal.
2. Allegations are that applicant/accused was found in possession of 12 intoxicant tablets containing active salt Tramadol HCL on 27.11.2018 in the area of Purana Dhriwal without any valid permit or licence.
3. Notice of the bail application was given to State. Sh. Kiran Kumar, Ld. Addl. PP for the State put in appearance.

4. Record is already with the Court.
5. I have heard Sh. Bhuvnesh Mahajan Ld. Counsel for applicant/accused and Sh. Kiran Kumar, Ld. Addl. PP for the State.
6. Contention of Sh. Bhuvnesh Mahajan Ld. Counsel for applicant/accused is that applicant is in judicial custody since 24.9.2019. His argument is that absence of accused from the court 31.7.2019 was unintentional and beyond his control. In fact, he has noted wrong date of hearing. His contention is that no useful purpose will be served by keeping the applicant/accused in judicial custody for further for more time. Hence, prayer has been made for allowing the application and that applicant/accused be enlarged on bail.
7. This submission has been refuted by Sh. Kiran Kumar Ld. Addl. PP for the State, who argued that accused is involved in a serious offence. Applicant/accused absented from the process of court without any intimation. In these circumstances, in case he is released on bail, there is every apprehension that he would again abscond from the justice. Thereby, Ld. Addl. PP for the State prayed for dismissal of bail application.
8. Submissions have been considered and record has been perused by me.
9. In the present case, accused is in custody since 24.9.2019. Applicant/accused absented from the process of court on

31.7.2019. He surrendered in the court on 24.9.2019 and since then, he is in judicial custody. Accused might have learn a lesson for remaining absent from the process of the court. Further more, the contraband recovered from the possession of accused does not fall within the ambit of commercial quantity.

10. This Court considers that decision of the trial will take sufficient long time. In these circumstances, accused can not be kept in judicial custody for any indefinite period. In view of these circumstances, without commenting upon further merits of the case, I hereby allow this bail application and accused/applicant is ordered to be released on bail on his furnishing bail bonds and surety bonds in the sum of Rs. 50,000/- with one surety in the like amount, subject to the conditions that he would not leave the country without prior permission of the court; he would not influence the witnesses of the prosecution and would appear before court on each and every date of hearing.

11. However, observations made above are only for disposal of this bail application and would have no bearing on merits of the case. File of bail application be attached with the main trial which is pending for today itself.

Pronounced
Dated:-30.9.2019

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur.
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Present : Sh Bhuvnesh Mahajan, Advocate, counsel for
applicant/accused.
Sh Kiran Kumar Addl. P.P for the State

Arguments on bail application moved on behalf of
applicant/accused heard.

Record perused. Vide my separate detailed order announced
today, the present bail application has been allowed.

Bail bonds/surety bonds not furnished.

On request, case is adjourned to 4.11.2019 for prosecution
evidence. Pws be summoned.

Dated:-30.9.2019

(K.K.Singla)
Additional Sessions Judge,
Gurdaspur.
UID No. PB 0197