

**In the court of Kewal Krishan,
Judge, Special Court, Ferozepur (UID No.PB-0182).**

Case Type	Bail Application
CIS No.	BA/3051/2022
CNR No.	PBFZ010072982022
Date of order	01.11.2022

Rajpal Singh aged 51 years son of Om Parkash, resident of Bhagat Singh Colony, Ferozepur City, Tehsil & District Ferozepur.

.....Accused/Applicant.

Versus

State of Punjab.

.....Respondent.

**FIR No.90 dated 25.07.2022.
U/Ss: 166/167/195/471/218/120-B IPC,
Sections 21/59 of the NDPS Act and Section 13
of the Prevention of Corruption Act.
Police Station: Cantt Ferozepur.**

**Application U/S 167(2) of the Code of Criminal
Procedure.**

Present: Sh. Gurajesh Bajaj Advocate, counsel for applicant.
Sh. A.P.S. Brar Addl. Public Prosecutor for the State with
with Inspector Jagandeep Kaur.

ORDER

1. Report of Ahlmad is received to the effect that challan has not been presented by the police. ASI Jagandeep Kaur has produced the record of investigation.

2. The accused/applicant has filed the instant application under Section 167(2) Cr.P.C. seeking default bail on the ground that the prosecution has failed to present report under Section 173 Cr.P.C. against the applicant within stipulated period and as such, the applicant is entitled to get default bail.

3. Arguments are heard. Learned Addl. Public Prosecutor has hotly contested the bail application and has argued that one FIR No.88 dated 20.07.2022 under Section 21 of the NDPS Act was registered at Police Station Cantt. Ferozepur against Kanwaljit Singh son of Baljit Singh and Gautam Parik son of Lakshmi Narain Parik, in which they got were released from custody as said case was found falsely planted upon them with regard to recovery of 1 Kg. Heroin and Rs.5 Lac. In the said case, the case property was planted on Kanwaljit Singh and Gautam Parik, which along with remaining amount is the case property in the present case. Recovery of Rs.30 Lacs has already been made from co-accused Parminder Singh Bajwa. One Kg. Heroin falls in the category of commercial quantity, for which period for filing report under Section 173 Cr.P.C. is 180 days, so the applicant is not entitled to get concession of default bail and his application deserves dismissal.

4. On the other hand, learned counsel for the applicant/accused has argued that FIR No.88 dated 20.07.2022 has not yet come to an end nor any cancellation report has been presented in the court. The recovery made in the said case, cannot be treated as the case property of the present case. Present case is a case of no recovery and prescribed period for presentation of the report under Section 173 Cr.P.C. is 60 days, which has already expired and the applicant is entitled to get default bail.

5. This Court has heard the learned counsel for the applicant, learned Addl. Public Prosecutor for the State and has gone through the record carefully. This FIR was registered at the instance of Bhanwar Lal Parik son of Mala Ram Parik on the allegations that his younger brother deals in money. On 20.07.2022 at about 05.30 p.m., his younger brother Ashok Kumar informed him that he had sent his employee Gautam from Ludhiana to Moga by hiring a taxi, whose driver was Kanwaljit Singh, to bring payment of Rs.86 Lacs, but at about 07.30/08.00, the mobile phone of Gaurat was found switched off. Later-on, he came to know that Inspector Parminder Singh Bajwa, ASI Angrej Singh and HC Joginder Singh along with fellow police officials had apprehended Gautam and Taxi driver Kanwaljit Singh. Ashok Kumar further disclosed him (complainant) that he was sure that Inspector Parminder Singh Bajwa in connivance with

his fellow police officials had embezzled amount of Rs.81 Lacs out of payment of Rs.86 Lacs and got registered a false case under N.D.P.S. Act against them (Gautam and Kanwaljit Singh) showing recovery of 1 Kg. Heroin and drug money of Rs.5 Lacs. This FIR No.90 dated 25.07.2022 under Sections 166/167/195/471/218/120-B IPC, Section 21/59 of the N.D.P.S. Act and Section 13 of the Prevention of Corruption Act, 1988 was registered against Inspector Parminder Singh Bajwa, ASI Angrej Singh, HC Joginder Singh and unknown person. Later on, vide Rapat No.50 dated 27.07.2022, ASI Raj Pal (applicant) was nominated.

6. According to prosecution, in FIR No.88 dated 20.07.2022, Kanwaljit Singh and Gautam Parik were got released from custody as said case was found falsely planted upon them with regard to recovery of 1 Kg. Heroin and Rs.5 Lac allegedly recovered in the said case. Further plea of the prosecution is that one Kg. Heroin, recovered amount of Rs. 5 Lacs and remaining amount are the case properties in the present case. As one Kg. Heroin falls in the category of commercial quantity, the prescribe period for filing report under Section 173 Cr.P.C. is 180 days. The applicant is in custody since 27.07.2022 and the stipulated period for presenting report under Section 173 Cr.P.C. has yet not expired. Thus, this application for

default bail is not maintainable and the same stands dismissed. Record be returned. File of this bail application be attached with the remand papers.

Announced in open court.

Dated : 01.11.2022.

anil kumar

Stenographer Grade-II

sd/-

(Kewal Krishan)

Judge, Special Court, Ferozepur

(UID No. PB0182)