

Kuljit Kaur Versus State. BA No. 3026 of 2021.

(CNR No.PBHO01-0086462021).

‘Application U/s 439 Cr.P. C for Regular Bail’.

Present: Shri RS Abhi, Counsel for applicant-accused.

Addl. Public prosecutor for state.

ORDER:

Applicant Kuljit Kaur is seeking bail in FIR No. 273 dated 07.12.2021, under Section 21-61-85 of ND&PS Act Police Station Tanda, Hoshiarpur.

2. Upon notice, application is opposed by Learned Additional PP for the State on the ground that allegations against accused are serious and he cannot be granted bail because the offence is heinous in nature. So, he has prayed that application be dismissed.

3. Version of prosecution in brief is that on 07.12.2021 SI Dilbagh Singh along with ASI Jaspal Singh and Ct. Amritpal Singh were on patrolling duty and when they reached at Pully Tanda Chandigarh colony they saw a lady was coming on foot having polythene envelop on her right hand who on seeing the police party became perplexed and tried to turn back. At that time she threw envelop on road. Thereafter SI Along with Lady HC Rajesh Rani apprehended her and asked about her identity, she disclosed her name as Kuljit Kaur W/o Late Vijay Kumar R/o Chandigarh Colony Tanda, Distt. Hoshiarpur. Then SI disclosed his own identity to accused that he is SI Dilbagh Singh posted at PS Tanda Hoshiarpur and said the accused that he has suspicion that she some intoxicant substance in her possession she is to be searched. He said accused that you have legal right to conduct yourself search from some gazetted officer or magistrate. After complying with the provisions of law, on search of the polythene envelop of accused ‘heroin’ was recovered which on weighment, came to be 13 gram. Other formalities were also completed and accordingly case was registered against the accused under Section 21-61-85 of ND&PS Act and accused was arrested.

4. Learned Counsel for applicant-accused has argued that applicant is innocent and has been falsely implicated. Mandatory provisions of law have not been complied with. It is stated by ASI Narinder Pal Singh that he has verified that this is the first application of bail of Kujit Kaur and no such bail application is either filed or pending in court of parallel jurisdiction or any other court or Hon’ble High

Court. There are three cases are pending against accused. However, now the applicant is in custody since 07.12.2021. The presentation of challan and conclusion of trial will take time and no useful purpose will be served by keeping the applicant in custody, rather it will be a burden on state exchequer. Thus, without commenting further on merits of the case, the bail application filed by applicant Kuljit Kaur for regular bail is allowed and she is ordered to be released on bail, subject to her furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of Trial/Duty Judge, Subject to the conditions that she will appear in court on each and every date of hearing, will not temper with the prosecution evidence and will not leave India without prior permission of this court. Record be returned and papers be attached with remand papers, after its completion.

Announced in open Court:
Dated:4th January , 2022.
(Vandana-Steno-III)'

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PBO-0057).