

**IN THE COURT OF KIRAN BALA, JUDGE, SPECIAL COURT,
BATHINDA. (UID PB-0147)**

CRN No. BA/2738/2019
CNR No. PBBT01-011223-2019
Decided on : 18.9.2019

FIR No. 138 of 26.7.2019
U/s 15/22 of NDPS Act
P.S. Sangat, Distt. Bathinda.

State

Versus

Amritpal Singh s/o Najar Singh, resident of
vill. Bhagwangerh, Distt. Bathinda.

....Applicant/accused.

Bail Application U/s 439 Cr.P.C.

Present : Sh. Harpal Singh Khara, counsel for applicant/accused.
Sh. Yadwinder Singh, Addl. PP for the respondent/State.

ORDER :

1. The instant bail application for grant of regular bail under section 439 of Cr.P.C., has been filed by the aforesaid applicant, who has been named as accused in above referred FIR.
2. As per averments made by the accused/applicant, he has falsely been implicated as to alleged recovery of contraband, which have been foisted upon him. In fact, nothing incriminating has been recovered from the person of applicant/accused. As such, he should be granted the benefit of bail.
3. No formal reply was filed, but grant of bail was opposed by Learned Addl. Public Prosecutor for the State that such type of recoveries are against the interest of society and accused/applicant should not be granted bail.

4. I have heard Learned Addl.Public Prosecutor for the State, and learned counsel for the applicant/accused and gone through the material on record.
5. Arguments have been made ad-verbatim. It has further been argued by learned defence counsel that accused is in custody since 25.7.2019 and the alleged recovery effected does not fall under commercial category, but non-commercial.
6. As per the prosecution case on 25.7.2019 police party headed by ASI Gurjant Singh apprehended accused/applicant and recovered 10 Kg., of poppy husk and 400 tablets of Alprazolam. The accused/applicant is in custody since 25.7.2019. Chemical report has yet not received. Recovery has already been effected. Receipt of chemical report, investigation and resultant trial, if any, is likely to take considerable time and no useful purpose will be served by detaining the applicant/accused behind the bars particularly in view of orders passed in CRM No. M-13140, 14461 and 20282 of 2012 and CRM No.M-1379 of 2013 case titled as **“Inderjit Singh @ Laddi etc., Vs State of Punjab”** while placing reliance upon the citations of law by Hon'ble Supreme Court of India titled as **“Sukhwant Singh Vs State of Punjab, (2009) 7 SCC 539”** and **“Deepak Bajaj Vs State of Maharashtra, (2008) 16 SCC 14”** has categorically observed that Article 21 of the Constitution of India protects the life and liberty of every person. The reputation of a person is his valuable asset and is a facet of his right under Article 21 of the Constitution. The Court hearing on regular bail application has got an inherent

power to grant interim bail pending the final disposal of the bail application. The Presiding Officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report. Chemical report is not likely to be placed on record by the prosecution in the near future. An unnecessarily delay has been caused to place on record the chemical report. As such, pending receipt of chemical report, the accused-applicant is admitted to interim bail till the receipt of Chemical Examiner report or challan, during the pendency of bail application, on his furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of this Court/Duty Officer, subject to the following conditions:-

- a) the applicant shall appear in the Court on each and every date of hearing;
- b) the application shall not leave the country without prior permission of the Court;
- c) the applicant shall not induce the prosecution witnesses;
- d) the applicant shall surrender her passport in the Court, if he does not possess any passport, then an affidavit in this respect be also furnished by him;
- e) the applicant will surrender before the court himself upon presentation of challan in the event of quantity of alleged contraband found to be commercial.

7. However, if after receipt of Chemical Examiner report or presentation of challan, the Court reaches to the conclusion that the alleged recovered quantity of contraband is commercial, in that event, the interim bail shall stand automatically cancelled or the prosecution

shall be at liberty to seek cancellation of bail and applicant/accused will make surrender before this Court himself, but, if after receipt of report of Chemical Examiner, the quantity of alleged contraband is found non-commercial, in that case, the interim bail shall be considered as absolute till the disposal of the case. Bail application along with this order be tagged with the remand papers.

Pronounced in open Court.

Dated: 18.9.2019.

(Kiran Bala),
Judge, Special Court,
Bathinda.
(UID : PB-0147)

Suraj Mohan SG-II.

CRN No. BA/2738/2019
CNR No. PBBT01-011223-2019

State Vs. Amritpal Singh

Present : Sh. Harpal Singh Khara, counsel for applicant/accused.
Sh. Yadwinder Singh, Addl. PP for the respondent/State.

Arguments heard. Vide my separate order of even date, the accused/applicant is granted interim bail till the receipt of report of chemical examiner, as detailed therein. Bail application along with the order be tagged with the remand papers. Police record be returned forthwith.

Pronounced in open Court.

Dated: 18.9.2019.

(Kiran Bala),
Judge, Special Court,
Bathinda.
(UID: PB-0147)

Suraj Mohan SG-II.