

PBBT010088102023



Presented on : 08-08-2023
 Registered on : 08-08-2023
 Decided on : 14-08-2023
 Duration : 0 years, 0 months, 6 days

**In the Court of Dr Ram Kumar Singla,
 UID No. PB-0122
 Judge, Special Court,
 Bathinda**

CIS No. BA-2734-2023
 Date of Order : 14.08.2023

State Versus

Jagdeep Singh @ Jaggu son of
 Gurcharan Singh resident of Gali
 no.36, Laleana Road, village Bhagi
 Wander, P.S Talwandi Sabo, Distt.
 Bathinda.

.... Applicant/accused.

FIR No.116 of 22.06.2023,
 U/Sections 21(c) of NDPS Act, Sections 29 of NDPS
 Act (added later on) and 25 of Arms Act,
 Police Station : Talwandi Sabo, Distt. Bathinda.

Application for bail Under section 439 of Cr.P.C.

Present: Sh. HS Khara, counsel for applicant/accused.
 Sh.Daljit Sharma, Addl. Public Prosecutor for the State.

ORDER

1. Record perused. **Arguments have been heard** on the
 present regular bail application of above referred applicant/accused

BA-2734-2023

Jagdeep Singh @ Jaggu pertaining to aforesaid FIR No.116 of 22.06.2023 of P.S. Talwandi Sabo for the offence punishable under 21(c) of NDPS Act, Sections 29 of NDPS Act (added later on) and 25 of Arms Act, who is in custody in this case since 22.06.2023.

2. Briefly, the prosecution allegations necessary to be detailed herein for consideration of present regular bail application are that on 22.06.2023, a police party headed by SI Avtar Singh, CIA-I, Bathinda at about 6.30 am, in the area of village Bhangi Bander, apprehended accused **Jagdeep Singh @ Jaggu (applicant/accused)** and Gurpreet Singh @ Peeta and from their possession 350 grams of Heroin was recovered. In the course of investigation proceedings, on the basis of statement of Paramjit Singh son of Hoshiar Singh resident of Ghuman Kalan, one Sukhdev Singh Sona and Lovepreet Singh Lavi were nominated in the present case as accused under Section 29 of NDPS Act. Accused Sukhdev Singh was arrested on 23.06.2023 and from his possession, 40 grams of Heroin and one pistol & one Revolver along with three cartridges were recovered.

3. Further, on the statement of Bachdeep Singh @ Victor vide Rapat no.43 of 24.06.2023, Navdeep Singh @ Chatha son of Sukhdev Singh was nominated as accused by adding the offence punishable under Section 25 of Arms Act. Thereafter, in the course of investigation proceedings, on the basis of statement of Krishan Singh son of Sukhdev Singh resident of Talwandi Sabo, vide DDR no.27 of P.S Sadar, Bathinda, one Harmeet Singh @ Kala was nominated as accused in FIR no.91 dated 23.06.2023 for the offence punishable

under Section 21 of NDPS Act. Apart from that, in the present FIR no.116 of 22.06.2023 of P.S Talwandi Sabo, that on the statement of basis of Krishan Singh son of Sukhdev Singh vide DDR no.16 dated 01.07.2023, one Harmeet Singh and Ramesh Kumar were nominated as accused being associated with **main accused i.e. applicant Jagdeep Singh @ Jaggu** and Gurpreet Singh @ Peeta & others, being indulged with them, to the activities of sale of contraband by using the pistol/Revolver, etc. Now, the applicant/accused is in custody since 22.06.2023, is seeking his regular.

4. Learned counsel contended that the applicant has falsely been implicated in this case. Nothing was recovered from the applicant/accused as alleged. He has no concerned with the co-accused. Presentation of challan and completion of trial will take considerable time. The applicant/accused is lingering on, behind the bars since 22.06.2023. He cannot not be detained for an indefinite period. Therefore, the present applicant is entitled to the concession of regular bail.

5. On the other hand, the learned Addl. PP for the State has replied that though the applicant/accused is in custody since 22.06.2023, but, there are serious allegations against the applicant/accused and co-accused in the present case as commercial quantity of contraband and further, from co-accused arms, have been recovered. Therefore, the present applicant/accused is not entitled to the concession of regular bail.

6. To the aforesaid arguments and to the entire episode of

crime, as referred above, admittedly, the applicant/accused is in custody in this case since 22.06.2023, but, mere long custody of applicant cannot be considered as ground to enlarge him on bail. The alleged recovery of 350 grams of Heroin from the applicant/accused and co-accused Gurpreet Singh @ Peeta, falls within the purview of commercial quantity of contraband. Further, 40 grams of Heroin and one pistol & one Revolver along with three cartridges were recovered from co-accused Sukhdev Singh. The investigation is still under progress. In these circumstances and to the aforesaid set of allegations, no regular bail could be granted to the applicant in view of rigors of Section 37 (ii) of the NDPS Act.

7. Consequently, in view of the aforesaid facts and circumstances on record, the present regular bail application of the applicant/accused is hereby declined and disposed off accordingly. However, any observation made herein shall not be construed to be an expression of view of this court, on merits of the case. Police record be returned.

8. Papers be appended with the remand papers of concerned FIR.

Pronounced in open Court.
Dated : 14.08.2023
Ranbeer

(Dr Ram Kumar Singla)
Addl. Sessions Judge,
Bathinda.
UID No.– PB0122