

In the Court of Sh.Jaspal Verma,  
Judge Special Court, Kapurthala (UID No.PB0136)

CNR No.PBKP010009142020



Case No. BA/310/2020

Presented on : 17-02-2020

Registered on : 17-02-2020

Decided on : 19-02-2020

FIR No.295 dated 18.12.2019  
U/S 21/61/85 of NDPS Act  
P.S. Sultanpur Lodhi, District Kapurthala.

|       |        |                                                                                                                                                 |
|-------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| State | Versus | Sarwan Singh aged about 30<br>years son of Kashmir Singh,<br>resident of village Lattianwal,<br>District Kapurthala.<br>.....Accused/applicant. |
|-------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------|

Bail application under Section 439 CrPC.

Present: Sh. Sukhminder Singh, Advocate, for applicant/accused.  
Sh. Shailender Gill, Addl. PP for the State.

**ORDER**

1) This order of mine shall dispose of regular bail application moved by the applicant/accused ***Sarwan Singh*** in this case bearing FIR No.295 dated 18.12.2019, under Section 21/61/85 of NDPS Act, P.S. Sultanpur Lodhi, District Kapurthala, wherein it is submitted that the police of P.S. Sultanpur Lodhi has registered a false case against the applicant-accused although he is innocent and has not committed any alleged crime. The alleged recovery has already been affected and nothing is now to be recovered from the applicant/accused. The applicant/accused was arrested on 18.12.2019 and since then he is in judicial custody and is no more required for further investigation. There is no apprehension of absconding of

applicant/accused or tampering with the prosecution evidence. The prosecution has to prove the case against the applicant/accused during trial. Challan has not yet been presented in the court. Presentation of challan and its disposal is likely to take considerable time. Even the report of chemical examination laboratory has not yet been received. So, he be released on bail.

2) Notice of the bail application was given to the State and police record was called which is produced from P.S. Sultanpur Lodhi, District Kapurthala by HC Bagicha Singh. No reply to the bail application was filed. However, Addl. PP for the State orally contested the bail application.

3) I have heard learned counsel for the applicant/accused, learned Addl. PP for the State and carefully perused the police file brought from P.S. Sultanpur Lodhi, District Kapurthala by HC Bagicha Singh.

4) As per the FIR, the accused Sarwan Singh was found in his conscious possession of 50 grams of Heroin. The accused/applicant could not show any license or permit for keeping the same in his possession. The accused/applicant is in custody since 18.12.2019. The recovery of more than 250 Gms. is commercial in nature. So, the recovered quantity of above said intoxicated Heroin from the possession of present accused falls in non-commercial quantity. The applicant/accused is not required for further investigation of the case. The presentation of challan and disposal thereof is likely to take considerable time. So, in these circumstances,

no useful purpose would be served by detaining the accused behind the bars and rather it would be a burden upon the State exchequer. Therefore, the applicant/accused Sarwan Singh is ordered to be released on bail in this case on his furnishing personal bonds in the sum of Rs.One Lac with one surety of the like amount to the satisfaction of this court, with the conditions that:-

1. He shall appear in the court on each and every date of hearing.
  2. He shall not leave India without prior permission of the court.
  3. He shall not tamper with the evidence of prosecution.
- 5) The bail application is allowed accordingly. Police record be returned. File be attached with the main file/remand papers.

**Pronounced in open Court  
Dt.19.02.2020  
(Arun)**

**(Jaspal Verma),  
Judge Special Court,  
Kapurthala (UID No.PB0136)**

Sarwan Singh Vs. State

CNR No.PBKP010009142020  
Bail application No.310 of 17.02.2020

Present: Sh. Sukhminder Singh, Advocate, for applicant/accused.  
Sh. Shailender Gill, Addl. PP for the State.

Police record produced. Arguments heard. Vide my separate detailed order of even date, the present bail application filed by the applicant-accused Sarwan Singh has been allowed. Police record be returned. Bail application be attached with the main case file/remand papers.

**Pronounced in open Court**  
**Dt.19.02.2020**  
**(Arun)**

**(Jaspal Verma),**  
**Judge Special Court,**  
**Kapurthala (UID No.PB0136)**