

PBGD010058372020



Presented on : 10-09-2020
 Registered on : 10-09-2020
 Decided on : 15-09-2020
 Duration : 0 years, 0 months, 5 days

**In the Court of Shri Jatinder Pal Singh Khurmi,
 Judge, Special Court,
 Gurdaspur. UID No.PB0057.**

CNR No.PBGD01-005837-2020

**CIS No.BA-2963-2020
 B.A. No.864 of 10.09.2020
 Decided on 15.09.2020.**

Chanpreet Singh, aged about 29 years son of Ajit Singh, resident of village Talwandi Goraya, Tehsil Dera Baba Nanak, District Gurdaspur.

.....Applicant/Accused.

Versus

State of Punjab.

.....Respondent.

FIR No. 0057 dated 29.07.2020
 U/s 21(b)/29 of NDPS Act.
 P. S. Kotli Surat Malhi.

First Bail Application u/s 438 Cr.P.C.

Present:- Sh. Manbir Singh Ghuman Advocate for the
 applicant/accused.
 Sh. K.S. Gill, Additional PP for the State.

ORDER

By filing the present bail application, under Section 438 of the Code of Criminal Procedure, the above referred applicant/accused has sought bail in FIR No. 0057 dated 29.07.2020 for the offence punishable under section 21(b)/29 of NDPS Act, registered at P. S. Kotli Surat Malhi, District Gurdaspur.

2. Notice of bail application was issued to the respondent-State.

Soft copy of police record received and perused.

3. Briefly, the relevant facts for disposal of the present bail application are that the aforesaid FIR was got registered on the allegations that on 29.07.2020 at about 09.50 P.M. in the area of village Fattupur, the accused Major Singh @ Harpreet Singh son of Satnam Singh, resident of village Nabi Nagar was found in possession of 07 Gms Heroin wrapped in a polythene envelope by the police party headed by SI Amarjit Masih No. 1507/BTL of P.S. Kotli Surat Mallian. Motorcycle bearing registration no. PB58-H-6961 was also taken into police possession vide separate recovery memo. Later on offence under section 25-54-59 Arms Act has been enhanced when recovery of one revolver from the accused Gurnihal Singh son of Baljinder Singh resident of village Bhojraj, Tehsil and District Gurdaspur has been effected on the basis of disclosure statement made by accused Gurnihal Singh on 30.07.2020. The accused-applicant has been nominated in the present case being supplier as per the disclosure statement of co-accused Major Singh @ Harpreet son of Satnam Singh, resident of village Nabi Nagar made to the police on 29.07.2020 and the offence under section 29 of NDPS Act has been enhanced in the present case. Being apprehension from that, the accused-applicant has preferred the present anticipatory bail application under section 438 Cr.P.C.

4. The learned counsel for the applicant/accused has submitted that the accused-applicant is innocent person and has been falsely implicated in the above said case. The name of the applicant-accused was not mentioned in the above said FIR and the local police has falsely nominated the above said applicant-accused later on. There is no

evidence with the prosecution agency to connect the accused-applicant with the alleged offences and the whole prosecution story is concocted one. The applicant-accused is ready to join the investigation and to surrender before the investigating agency as and when directed by this court. There is no apprehension that presence of the applicant-accused could not be procured at the time of trial. The accused/applicant shall abide by all the terms and conditions of bail as imposed by this court. Lastly, prayer has been made for acceptance of bail application as per section 438 Cr.P.C.

5. Per contra, learned Additional Public Prosecutor for the State opposed the bail application of the accused-applicant while submitting that the accused is indulged in illegal activities of drugs and he should not be granted bail and prayed for dismissal of the same.

6. On hearing both sides through whats app video besides perusing the soft copy of police record and considering the quantity of intoxicant material which has already been effected from the co-accused persons and the present accused-applicant has been nominated in this case being supplier. Nothing has been recovered from the accused-applicant. Even the accused-applicant has been nominated in the present case being supplier as per the disclosure statement of co-accused Major Singh @ Harpreet son of Satnam Singh, resident of village Nabi Nagar made to the police on 29.07.2020 and the offence under section 29 of NDPS Act has been enhanced in the present case. As per police record the accused-applicant is also involved in one other case bearing FIR No. 74 dated 30.05.2018 under sections 337, 338, 279 IPC, Police Station Dera Baba

Nanak.

7. As per disclosure statement of Major Singh he has purchased 7/8 Grams Heroin from Chanpreet Singh son of Harjeet Singh resident of village Talwandi Goraya. The disclosure statement of co-accused whether is binding upon the applicant is debatable one. Accused-applicant has joined the investigation and now he is no more required by the police. As such, without commenting upon the merits of the case, this court finds that it is a fit case where the accused/applicant is entitled to concession of anticipatory bail. Therefore, bail application of the accused-applicant Chanpreet Singh is hereby allowed subject to compliance of section 438(2) Cr.P.C. The interim bail already granted vide order dated 10.09.2020 stands confirmed.

8. However, anything said or observed above are only for disposal of the present bail application and shall have no bearing effect on the merits of the main case.

9. Bail application file be attached with the remand papers.

Pronounced in open Court.

15.09.2020.

Shiv Kumar, Stenographer I

(Jatinder Pal Singh Khurmi),
Judge Special Court,
Gurdaspur (UID No.PB0057)

Dictated on : 15.09.2020.

Transcribed on :15.09.2020.

checked on :15.09.2020.

Signed on :15.09.2020.

(Jatinder Pal Singh Khurmi),
Judge Special Court,
Gurdaspur (UID No.PB0057)