

1.
State of Punjab Vs. Gurnam Singh.

**In the Court of Ms. Monica Sharma, Additional Sessions Judge,
Amritsar. UID no PB00239.**

CNR No. PBAS010090292023



Case No. BA/2950/2023

Presented on	: 24-05-2023
Registered on	: 25-05-2023
Decided on	: 16-06-2023

State of Punjab

Versus.

Gurnam Singh son of Shinda Singh r/o village Bedi Channa, PS Ramdas,
District Amritsar.

**FIR no. 15/29.03.2020.
Under Sections: 22.61.85 of NDPS
Act.
Police Station: Ramdass,
Amritsar.**

Second Bail application under Section 439 of Cr.P.C.

Present: Sh.C.S.Kad, Advocate for applicant/accused.
Sh.K.S.Goraya, Additional Public Prosecutor for State.

ORDER:

01. The present order of mine shall dispose of second bail application under Section 439 of Cr.P.C. moved on behalf of applicant-accused Gurnam Singh.

02. Notice of the bail application was served upon the State through Addl. Public Prosecutor who contested the bail application on merits.

03. It is submitted by Counsel on behalf of applicant-accused

that applicant-accused was earlier on bail. However, challan was presented on 21.01.2021 in the absence of applicant-accused and the applicant-accused was not having any knowledge regarding the presentation of challan. No notice was ever served upon him. However, applicant-accused was arrested on 02.05.2023 and since then he is in custody. The conclusion of trial will take long time. Keeping the applicant-accused behind the bars would not serve any purpose. Prayer is made to allow the application and grant bail to applicant-accused.

04. On the other hand Ld Addl. P.P for the State has contested the bail application while submitting that the accused was earlier granted the relief of bail. However, he misused the same and failed to appear when the challan was presented. Therefore, applicant-accused is not entitled to be released on bail and prayer is made for dismissal of the bail application.

05. I have heard the rival submissions of both the parties and carefully perused the record.

06. From the perusal of record it has emerged out that earlier the applicant-accused was granted interim bail by Ld. Judge, Special Court vide order dated 14.05.2020. Thereafter, the courts were working in alternate manner due to outbreak of Corona Virus (Covid-19). Thereafter, challan was presented on 21.01.2021 and notice was issued to the accused. Since the applicant-accused did not appear, thereafter, vide order dated 11.10.2021 the bail order of the accused was cancelled and bail bonds and surety bonds were also cancelled and forfeited to the State.

3.
State of Punjab Vs. Gurnam Singh.

Nonailable warrants of arrest were issued which were issued on several dates. Ultimately, on 03.05.2023, the applicant-accused was produced in pursuance of nonailable warrant of arrest and sent to the judicial custody. From the perusal of the record it has further transpired that applicant-accused was granted interim bail with the directions that if at the time of receipt of chemical examiner report the recovery comes out to be commercial in nature then the bail order would be deemed to be dismissed.

07. The challan has already been presented along with the CFSL report, as per which the recovery is non commercial in nature. Today vide separate statement ASI/LR Baldev Singh from police station Ramdas has appeared before the court and stated that as per record non-ailable warrants of accused were issued vide order dated 01.08.2022. However, the accused was not declared as proclaimed offender and arrested and produced in the court on 03.05.2023 in pursuance of non-ailable warrant of arrest. Since then the accused is in custody.

08. Therefore, keeping in view the fact that the applicant-accused is behind the bars since 03.05.2023 and challan is already presented the conclusion of trial is likely to take time. No useful purpose would be served by detaining the applicant-accused any longer behind the bars. In view of the above discussion, the present application filed by the applicant stands allowed and disposed of accordingly. Applicant-accused **Gurnam Singh** is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.75,000/-with one surety in the like amount **before**

4.
State of Punjab Vs. Gurnam Singh.

the Area/Duty Magistrate with the condition that the applicant-accused shall regularly appear in the Court on each and every date of hearing till the conclusion of trial.

Copy of this order be sent to the learned Ilaqa Magistrate. After acceptance of bail bonds and surety bonds by the learned **the Area/Duty Magistrate same be sent to this Court.** The file of bail application be attached with remand papers/main file.

Pronounced.
Dated: 16.06.2023.

Meenakshi

Monica Sharma
Additional Sessions Judge,
Amritsar.

UID no PB00239.

5.
State of Punjab Vs. Gurnam Singh.

Present: Sh.C.S.Kad, Advocate for applicant/accused.
Sh.K.S.Goraya, Additional Public Prosecutor for State.

Arguments heard. Vide my separate order of even date the present bail application is hereby disposed of. Copy of this order be sent to the learned Ilaqa Magistrate. After acceptance of bail bonds and surety bonds by the learned **the Area/Duty Magistrate same be sent to this Court**. The file of bail application be attached with remand papers/main file.

Pronounced.
Dated: 16.06.2023.

Meenakshi

Monica Sharma
Additional Sessions Judge,
Amritsar.
UID no PB00239.

6.
State of Punjab Vs. Gurnam Singh.