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IN THE COURT OF SH. KARAMJIT SINGH SULLAR
JUDGE SPECIAL COURT, HOSHIARPUR
UID NO. PB0141

CIS No. BA/2797/2024
CNR No. PBH001008311-2024
Date of order: 09.10.2024

Chandan Kishor @ Sabi @ Mantri aged 35 years son of Dev Dutt resident of Piplanwali P.S Model Town, at present House No. 164, Mohalla Bassi Khawaju, Street No. 9, P.S Model Town, Hoshiarpur.

....Applicant-accused

Versus

State of Punjab

....Respondent.

FIR No. 149 dated 16.12.2023
U/s 22, 29 of ND&PS Act, 1985
Police Station: Hariana Distt. Hoshiarpur.

(FIRST APPLICATION FOR REGULAR BAIL U/S 483 BNSS)

Present: Shri Sandeep Deputy Chief legal aid defence counsel for applicant-accused.
Shri Varinder Kumar Public Prosecutor for State.

ORDER:

1. This order of mine shall dispose of application moved by applicant/accused for grant of regular bail in the above noted case.
2. As per case of the prosecution in brief, on 16.12.2023, ASI Gurbachan Singh of PS Hariana, alongwith other police officials was going towards village Sikri side in connection with patrolling duty and checking of suspicious persons. When the police party reached near Bhola

Karamjit Singh Sullar,
Judge Special Court,
Hoshiarpur-UID No.PB0141

parking, then they saw that two persons were sitting on motorcycle, who on seeing the police party, tried to enter inside the parking and in the meantime, the pillion rider had taken out one polythene envelop from the right pocket of his pant and threw it on the ground. On suspicion, they were apprehended. On asking, the driver of motorcycle had disclosed his name as Amandeep Singh Ammu s/o Sarabjit Singh resident of Ward No. 9, Mohalla Purani Kanak Mandi, Haryana and the pillion rider had disclosed his name as Vijay Kumar s/o Videshwari resident of Mohalla Dogra P.S Haryana District Hoshiarpur. During checking of said polythene envelop, thrown by said Vijay Kumar, intoxicant powder was recovered from it, which on weighing came out to be 110 grams. Accordingly, present FIR was registered and accused were arrested in this case. During interrogation, both accused suffered disclosure statement that the intoxicant powder, recovered from them, was supplied by Som Nath son of Ram Dass resident of Hajipur P.S Harjipur District Hoshiarpur, for selling it to the customers. On the basis of said disclosure statement, Som Nath was nominated as accused in this case U/s 29 of NDPS Act. He was arrested in this case and during interrogation, he had also suffered disclosure statement that he used to purchase the intoxicant substances from Mantri and Sodhi. On the basis of said disclosure statement, applicant-accused was also nominated as accused in this case. The

applicant-accused was arrested in this case on 23.01.2024. Hence, this application for regular bail.

3. The learned counsel for applicant-accused contended that nothing was recovered from the applicant-accused and he is falsely implicated in this case on the basis of confessional statement of co-accused Som Nath, which is not admissible in the eyes of law. He further contended that the applicant-accused is in custody since 23.01.2024 and nothing is to be recovered from him. He further contended that conclusion of trial shall take sufficient time and no useful purpose would be served by keeping the accused behind the bars. So, it is prayed that applicant-accused may be released on bail.

4. On the other hand, the learned Public Prosecutor for the State opposed the bail application on the ground that the applicant-accused alongwith his co-accused used to sell/supply intoxicant powder, which is a serious offence. As such, there are chances that accused may flee from the justice in case he is granted bail.

5. I have heard the arguments advanced by Ld. counsel for the applicant-accused as well as Ld. Public Prosecutor for the State and also perused the police record.

6. The applicant-accused was nominated in the present case on the basis of confessional statement of co-accused Som Nath. However, as per statement of ASI Manvir Singh, no recovery was effected from the applicant-

accused. The confessional statement of co-accused implicating the applicant-accused is debatable one in the absence of connecting evidence. The applicant-accused is in judicial custody since 23.01.2024 and nothing is to be recovered from the accused at this stage. The conclusion of trial shall take sufficient long time and no useful purpose would be served by keeping the accused in custody for indefinite period as it would be burden on the State exchequer. The allegations against the accused are yet to be ascertained during the trial. Therefore, the application for regular bail filed by the applicant-accused Chandan Kishor @ Sabi @ Mantri is allowed and he is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of Illaqa/duty Magistrate and after accepting the bail/surety bonds same be returned to this Court within 2 days. Copy of this order be sent to the concerned Court for necessary compliance. File of bail application be attached with the main case.

Announced in open Court:
Dated: 09.10.2024.

Kulvinder Singh JW
Direct dictation

(Karamjit Singh Sullar),
Judge Special Court
Hoshiarpur
UID No. PB0141

Karamjit Singh Sullar,
Judge Special Court,
Hoshiarpur-UID No.PB0141