

**IN THE COURT OF PARMINDER SINGH RAI,
JUDGE, SPECIAL COURT, GURDASPUR**

Bail Application No. 947/05.09.2022

CIS No: BA/2960/2022

CNR No: PBGD01-006756-2022

Date of Decision: 14.09.2022

Mithan s/o Kulwant @ Kala, r/o Village Paniar, Tehsil and District
Gurdaspur.

.....Petitioner.

Vs.

State of Punjab

.....Respondent

FIR No.156 dated 26.08.2022

Under Sections 21(b), 21, 22(c), 27(a), 29 NDPS Act,
Police Station:-Dinanagar.

Bail application under Section 438 Cr.P.C.

Present: Sh. Bhuvnesh Mahajan, Advocate, counsel for
petitioner
Sh. Kiran Kumar, Ld. Addl. P. P. for State

ORDER

1. Present petition has been filed by petitioner seeking pre-arrest bail under Section 438 of Cr.P.C. for the alleged commission of offences as mentioned above.
2. Upon notice, learned Additional P. P. put in appearance and contested the bail application. Police record was requisitioned and perused.
3. It is submitted by the leaned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of alleged disclosure statement of co-accused. Nothing is to be

recovered from the petitioner. Petitioner is ready to join the investigation. At the end, learned counsel for the petitioner prayed that the petitioner may be admitted to pre-arrest bail.

4. On the other hand, it is submitted by learned Addl. P. P. that the allegations against the petitioner are serious in nature. The custodial interrogation of petitioner is required for further investigation of the present FIR, as such, present bail application may be dismissed.

5. I have considered the rival contentions of learned counsel for petitioner as well as of learned Additional Public Prosecutor and perused the record.

6. The case of the prosecution is that on 26/08/2022, in the area of T point Village Paniar, 20 grams heroin and 830 intoxicating tablets were recovered from non applicant Raj Kumari. She was arrested. During interrogation, she suffered a disclosure statement that above referred heroin was brought by her from Mithan(petitioner). On the basis of above said disclosure statement, present petitioner was arrayed as accused in this FIR.

7. The allegations against accused applicant has been that he had supplied the alleged contraband so recovered from the possession of his mother namely Raj Kumari i.e. 20 grams heroin and 830 intoxicating tablets. He has been arrayed in this FIR on the basis of alleged disclosure statement of his mother non applicant Raj Kumari.

As per the information supplied by investigating officer, at this stage, apart from the disclosure/confessional statement of co-accused, there is no other incriminating material against the petitioner. So in such circumstances, it would be in larger interest of justice and investigation and even in the fitness of things as well that accused applicant be directed to join the investigation. As such, applicant is hereby ordered to join the investigation before the investigating officer on or before 24.09.2022, subject to the following conditions that:-

1. That he will not hinder the ongoing investigation;
2. That he will not leave the country without prior permission of the Court;
3. That he will not make any threat, promise or inducement to any person conversant with the facts of the case to dissuade him/her from disclosing the truth to the Court or police;
4. He shall join the investigation as and when asked by the investigating officer,
5. He shall cooperate with investigation in the matter of present case and further subject to the fulfillment of Section 438(2) Cr.P.C

For report and consideration to come upon 26.09.2022.

Pronounced
Dated:-14/09/2022.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur (UID No. PB0175)

Present: Sh. Bhuvnesh Mahajan, Advocate, counsel for
petitioner
Sh. Kiran Kumar, Ld. Addl. P. P. for State

Police record produced. Arguments heard. Vide my
separate detailed order of even date, petitioner has been granted
interim bail as per the conditions referred therein. For report and
consideration to come upon 26.09.2022.

Pronounced
Dated:-14/09/2022.
Gurpreet Singh, Stenographer-II

(Parminder Singh Rai)
Judge, Special Court,
Gurdaspur (UID No. PB0175)