

Gurwinder Singh @ Ginda Versus State. BA No.2781 of 2020.
(CNR No.PBHO01-006620-2020).

‘Application U/s 439 Cr.P. C for Regular Bail’.

Present: Shri Madan Lal Rahanu, Counsel for applicant-accused.
Mrs. Mandeep Walia, Additional PP for the State.

ORDER:

Applicant Gurwinder Singh @ Ginda is seeking bail in FIR No.112 dated 26.11.2020, under Section 18B-61-85 of ND&PS Act pertaining to Police Station Garhdiwala, Hoshiarpur.

2. Upon notice, application is opposed by Learned Additional PP for the State on the ground that allegations against accused are serious and he cannot be granted bail because the offence is heinous in nature. So, he has prayed that application be dismissed.

3. In brief, case of prosecution is that on 26.11.2020, SI Satpal Singh was present at Police Station Garhdiwala where MHC informed that ASI Sukhwinder Singh alongwith other police officials laid Nakabandi near

turning of Village Kalra for checking where they spotted one clean shaven person coming from Kalra side who was carrying one weighty black colour polythene envelope in his right hand. On seeing the police party, he thrown the envelope on left side *Katcha* road and on the basis of suspicion, he was apprehended. On this information, police party headed by SI Satpal Singh reached the spot on asking by ASI Sukhwinder Singh, accused disclosed his name as Gurwinder Singh @ Ginda son of Jasvir Singh, resident of Village Narayangarh, Police Station Dasuya, District Hoshiarpur. After complying with the provisions of law, plastic envelope was checked and opium was found. On weighment, it came to be 1 Kg. FIR was registered against the accused and he was arrested. Other formalities were completed.

4. Learned Counsel for applicant-accused has contended that applicant is innocent and has been falsely implicated. Nothing was recovered from the applicant and he has committed no offence, as such he be released on bail. As per schedule attached to ND&PS Act, the recovered contraband falls below the commercial quantity. The applicant-accused is in custody since his arrest i.e. 26.11.2020. The presentation of challan and conclusion of trial may take time. No useful purpose will be served by keeping the applicant-accused in custody, rather it will be burden on the State Exchequer. Without commenting on the merits of the case, applicant-accused Gurwinder Singh @ Ginda is ordered to be released on bail subject to his furnishing personal bail bonds in the sum of Rs.50,000/- with one surety in the like amount subject to the conditions that he will appear in the court on each and every date of hearing, will not tamper with the prosecution evidence and will not leave India without prior permission of this court. Bail application stands disposed of accordingly. Record be returned and file be attached with the remand papers.

Announced in open court:
Dated: 5th January, 2021.

‘Gautam Manocha, JW (SG)’

(Sandeep Kumar Singla),
Judge, Special Court, Hoshiarpur.
(UID No.PB-0118).