

IN THE COURT OF MS. RANA KANWARDEEP KAUR CHAHAL,
JUDGE, SPECIAL COURT, KAPURHALA (UID No.PB00223)

CNR No. PBKP010067002023



Case No. BA/2780/2023

Presented on : 22-12-2023

Registered on : 22-12-2023

Decided on : 27-12-2023

Sarwan Singh, s/o Kashmir Singh, aged about 33 years, r/o Village Lattianwal, PS Sultanpur Lodhi, District Kapurthala.

....Applicant/accused

Versus

State of Punjab.

....Respondent

FIR No.0295 dated 18.12.2019
Under Section 21/61/85 of NDPS Act,
Police Station Sultanpur Lodhi, Distt. Kapurthala

[Application for Bail U/s 439 of Cr.P.C.]

Present: Shri Sukhminder Singh, Ld. Counsel for applicant/accused.
Ms. Meetu Sheanhmar, Addl.P.P. for the State.
HC Kulwinder Singh, No.832/Kpt., PS Sultanpur Lodhi,
District Kapurthala.

ORDER:-

1. File put up before me today being the duty officer during Winter Vacations.

2. Applicant/accused has filed this bail application under Section 439 Cr.P.C in a case FIR No.0295 of 18.12.2019 under Section

Rana Kanwardeep Kaur Chahal,
JSC/Kapurthala
Dated 27.12.2023

21/61/85 of NDPS Act registered at Police Station Sultanpur Lodhi,
District Kapurthala.

3. Upon notice, Ms. Meetu Sheanhmar Additional Public
Prosecutor appeared on behalf of State.

ARGUMENTS OF LD. COUNSEL FOR APPLICANT/ACCUSED:

4. The learned counsel for the applicant/accused has submitted
the applicant/accused is innocent and has committed no offence, but has
been falsely implicated in this case. Earlier he was on bail vide order
dated 19.02.2020. The accused/applicant was absented from the Court due
to unavoidable circumstances. Now, he is in custody since 13.12.2023
and is not required for the purpose of further investigation. Conclusion of
trial would take long time. Applicant/accused undertakes to abide by the
terms to be imposed while releasing on bail and accordingly, it is prayed
that his bail application be allowed.

ARGUMENTS BY LD. ADDL. PUBLIC PROSECUTOR:-

5. On the other hand, learned Addl. P.P for the State has argued
that since applicant/accused did not obey the process of law and had been
absented from the trial proceedings, so, there are chances that he may
again abscond from the proceedings if released on bail and prayed for
dismissal of bail application.

6. Today, HC Kulwinder Singh has appeared and suffered a statement that accused Sarwan Singh remained absent during the proceedings of the trial and was again produced before the court on 13.12.2023. Recovery of 50 grams of Heroin was effected from the applicant/ accused in the present case.

7. **I have heard the learned counsel for applicant/accused and learned Addl.P.P. for the State and have also gone through the record.**

8. Police record produced. Main file, which is pending in this court, is also taken up for the disposal of present bail application. Perusal of record shows that challan was presented in the absence of applicant/accused and thereafter, vide order dated 11.11.2021, his bail order was cancelled. Afterwards, he was produced before the court on 13.12.2023 and since then, he is in custody. Therefore, keeping in view the aforesaid facts and applicant/accused is in custody from 13.12.2023 till date, he must have learnt a lesson. Conclusion of trial would definitely take long time. No useful purpose would be served by detaining applicant/accused behind bars for indefinite period. So, without commenting upon the merits of the case, this bail application of applicant/accused is allowed and applicant/accused is ordered to be released on **regular bail** on his furnishing the bail bonds to the tune of

₹1 lakh with one surety of like amount, to the satisfaction of this Court, subject to following conditions:

- i. That the applicant/accused shall appear before the Court on each and every date of hearing;
- ii. That the applicant/accused shall not directly or indirectly induce or coerce any witness or prosecution so as to dissuade him from deposing as witness in the Court or to any police officer;
- iii. That the applicant/accused shall not leave India without prior permission of the Court;

9. In view of my above discussion, present bail application of applicant/accused is allowed accordingly. Police record be returned. Record of this bail application be tagged with the main challan file pending before this Court.

Pronounced on:

Dated: 27.12.2023

Kaushal

**(Rana Kanwardeep Kaur Chahal)
Judge, Special Court, Kapurthala
(UID No. PB00223)**

Rana Kanwardeep Kaur Chahal,
JSC/Kapurthala
Dated 27.12.2023

CIS No.	BA/2780/2023
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Sarwan Singh VS. State of Punjab etc.

Present: Shri Sukhminder Singh, Ld. Counsel for applicant/accused.
Ms. Meetu Sheanhmar, Addl.P.P. for the State.
HC Kulwinder Singh, No.832/Kpt., PS Sultanpur Lodhi,
District Kapurthala.

Record has been produced. Statement of HC Kulwinder Singh has been recorded. Arguments heard. Vide my separate detailed order of even date, the bail application filed by applicant/accused stands allowed as detailed therein. Police record be returned. Record of this bail application be tagged with the main challan file pending before this Court.

Pronounced on:

Dated:27.12.2023

Kaushal

(Rana Kanwardeep Kaur Chahal)
Judge, Special Court,Kapurthala
(UID No. PB00223)

Rana Kanwardeep Kaur Chahal,
JSC/Kapurthala
Dated 27.12.2023