

Parveen Kaur vs State

In the Court of Jatinder Pal Singh Khurmi, Additional Sessions
Judge, Hoshiarpur. (UID No.PB-00057).

CNR No.PBHO01-008891-2022

CIS Number: BA- 3104-2022

Date of Order: 13.12.2022

1. Parveen Kaur aged 39 years, W/o Ranjit Singh,
2. Surinder Kaur aged 55 years, W/o Gurmit Ram,
3. Avishek Singh aged 19 years S/o Ranjit Singh,
All Residents of Village Denowal Khurd, PS Garhshankar, District Hoshiarpur

.....Applicants-accused.

Versus

State of Punjab.

.....Respondent.

FIR No.209 dated 15.11.2022
U/s 15-18-21-22-29 of NDPS Act
PS Garhshankar, Hoshiarpur.

(First application for regular bail U/s 439 Cr.P.C).

Present: Sh. Harjit Kumar Rana Advocate for the applicants-accused.
Addl.Public Prosecutor for the state.

ORDER:

Applicants Parveen Kaur, Surinder Kaur and Avishek Singh are seeking regular bail in FIR No.209 dated 15.11.2022 U/s 15-18-21-22-29 of NDPS Act PS Garhshankar, Hoshiarpur.

2. Upon notice, application is opposed by Learned Additional PP for the State on the ground that allegations against accused are serious and they cannot be granted bail because the offence is heinous in nature. So, he has prayed that application be dismissed. S.I Ravinder Singh, no. 929/HPR, PS Garhshankar, District Hoshiarpur suffered statement that he has verified that this is the first regular application of bail of accused Parveen kaur, Surinder Kaur and Avishek Singh and no such bail application is either filed or pending in court of parallel jurisdiction or any other court or Hon'ble High Court. All the accused/applicants are nominated under Section 29 of NDPS Act on the

basis of secret information. Date of arrest of accused is 24.11.2022.

3. Learned Counsel for applicant-accused has argued that applicants are innocent and has been falsely implicated and no any recovery from any of the accused has been effected. Mandatory provisions of law have not been complied with. However, the sample has been sent to the Chemical Examiner but the chemical examiner report has not been received as yet. In the absence of report of chemical examiner, it cannot be ascertained as to whether the recovery of contraband effected from the accused falls under commercial quantity or below quantity as per schedule attached to ND&PS Act. The presentation of challan and receipt of chemical examiner report may take time. No useful purpose will be served by keeping the applicants-accused in custody, rather it will be burden on the State Exchequer. Without commenting on the merits of the case, the applicants-accused Parveen kaur, Surinder Kaur and Avishek Singh are ordered to be released on interim bail subject to their furnishing personal bail bonds in the sum of Rs.50,000/- with one surety in the like amount before Trial/Duty Judge, subject to the conditions that they 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. The SHO concerned is directed to forward the Chemical Examiner report to the court immediately on receipt of the same and accused shall surrender before the court within one week of the receipt of chemical examiner report for further proceedings, as per law. Papers be attached with remand papers.

Announced in open Court:
Dated: 13.12.2022
(Diksha Rani-Steno)

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PB-0057).

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CIS Number: BA- 3104-2022

Present: Sh. Harjit Kumar Rana Advocate for the applicants-accused.
Addl.Public Prosecutor for the state.

Police record received. Statement of S.I Ravinder Singh, no. 929/HPR, PS Garhshankar, District Hoshiarpur recorded. Arguments heard. Vide my separate detailed order of even date, this bail application filed by the applicants-accused Parveen kaur, Surinder Kaur and Avishek Singh under Section 439 Cr.P.C, for grant of regular bail, has been allowed, as detailed therein. Police record returned and papers be attached with remand papers.

Announced in open Court:
Dated: 13.12.2022
(Diksha Rani-Steno)

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PB-0057).