

CNR No.PBJL010080512023

BA-3089-2023

Harwinder Singh @ Hinda Versus State of Punjab

Present : Sh. Sukhvir Thind, Adv, counsel for applicant/accused.
Ld. Addl. PP for State.

1. File put up before the undersigned being Vacation Judge during Summer Vacation as Sh. D.P. Singla, Ld. Addl. Sessions Judge, Jalandhar is availing Summer Vacation. The present Regular bail application has been filed by accused/applicant -Harwinder Singh @ Hinda for grant of regular bail in case FIR No. 66 dated 25.04.2023, U/s 21 and 22/61/85 of NDPS Act, PS Sadar Jalandhar.
2. The facts as emanating from the FIR are that the accused/applicant was found in possession of 40 tablets of Tramadol (100 mg Each) and 01 gram Heroin and the applicant/accused was arrested on 25.04.2023 by the Police of PS Sadar, Dist. Jalandhar and he is in judicial custody since then. It is contention of defence side that he is no longer required for any bonafide purpose of investigation and that no recovery has been effected from the applicant/accused and the recovery, if any, is planted one and the applicant/accused undertakes to abide by all the terms and conditions to be laid down by the Court while releasing the applicant/accused on bail.
3. Although, contention of the applicant/accused side, has been controverted by the Ld. APP for the state and it is submitted that the applicant/accused is not entitled to concession of regular bail. Further , ASI Vipin Kumar No.2482, suffered statement in the Court to the following effect:

Stated that as per the instructions of the IO, I have verified the fact regarding the pendency of any bail application filed by the applicant/accused before the Hon'ble Punjab and Haryana High Court and found that no bail application filed by the applicant/accused in this case is pending before the Hon'ble Punjab and Haryana High Court or any other Court.

As per the record, there is only one accused in the present case. Accused was arrested in this case on 25.04.2023 and 1 gram heroin and 40 tablets of tramadol was recovered from him. As per the record available with me, no other FIR is registered against the

applicant/accused. FSL Report has not been received till date.

4. After considering the rival contentions of the parties and going through the record carefully, this court is of the opinion that accused Harwinder Singh @ Hinda is entitled to interim bail in the present case at this stage, because as per own case of prosecution 1 gram heroin and 40 tablets of Tramadol were allegedly recovered from the possession of accused and as the report of chemical examiner is yet to be received so it cannot be said with certainty at this stage that the recovered contraband is commercial or non-commercial quantity and as the accused is already in custody since long and presentation of challan and trial of the case will take its own time and till the completion of the trial accused cannot be allowed to languish in Jail indefinitely in the present case. Accordingly, the present application is allowed and interim bail is hereby granted to the accused and he is ordered to be released on interim bail till the receipt of report of chemical Examiner, on his furnishing personal bonds in the sum of ₹65,000/- with one surety of the like amount to the satisfaction of Ld. Illaqa/Duty Magistrate, with further direction that he would not leave the country without prior permission of the Court and will cooperate in the investigation.
5. It is further made clear that if on receipt of report of chemical Examiner, quantity of the contraband so recovered from the accused is found to be commercial in nature, then this order would automatically cease to operate and the accused shall be bound to surrender in the Court and he will be taken into custody without any further intimation or requirement of any specific order of cancellation of his interim bail and then the accused will be at liberty to peruse the present regular bail application further or to file fresh regular bail application in accordance with law. Requisite bail bonds and surety bonds have not been furnished.
6. File be sent back to the Court concerned for consignment purpose along with summoned record, if any, for 06.07.2023.

Pronounced in the open court:
20.06.2023
Richu

(K.K Jain)(UID PB0163)
Addl. Sessions Judge/JSC
Jalandhar(DUTY)