

In the Court of Hardip Singh, Judge, Special Court, Ferozepur

CNR No.PBFZ0100-8100-2023

CIS No. BA/3067 of 2023

Date of Order: 29.11.2023

Jaspal @ Jaspal Singh @ Gogi @ Jagga aged 26 years son of Kartar Singh, resident of village Gatti Rajo Ke, Tehsil and District Ferozepur.

... Applicant/Accused.

Versus

State of Punjab.

....Respondent.

FIR No.158, dated 25.09.2021

U/s 21/29/61/85 of NDPS Act

Police Station Sadar Ferozepur.

(Second application for bail under Section 438 of Cr.P.C)

Present: Sh. Ajaypal Singh Dhanju, Advocate, counsel for applicant/accused.
Sh. Karan Dhingra, Additional Public Prosecutor for State.

O R D E R

1. Heard on this second bail application filed by applicant/accused Jaspal @ Jaspal Singh @ Gogi @ Jagga, under section 438 Cr.P.C in case bearing FIR No.158, dated 25.09.2021, under sections 21/29/61/85 of NDPS Act, Police Station Sadar Ferozepur.

2. At the very outset, learned counsel for the applicant/accused has submitted that this is the second anticipatory bail application of the applicant/accused. Earlier he was granted interim bail by this court vide order dated 31.10.2023 and he was directed to

join the investigation, but since another false FIR bearing No. 158 dated 02.08.2019 under section 306 IPC was registered against the applicant/accused at Police Station Sadar Ferozepur, so the applicant/accused did not appear before the Investigating Officer to join the investigation, as he apprehended his arrest in FIR No. 158 of 2019 at the time of joining investigation in this case and ultimately said bail application was dismissed as withdrawn vide order dated 08.11.2023. He further submitted that non joining of investigation by the applicant/accused was due to the above said reason and that he is ready to join investigation. Hence, prayer has been made for granting concession of bail.

3. Upon notice of bail application, learned Additional Public Prosecutor appeared on behalf of state and opposed the bail application by submitting that present bail application is not maintainable as the applicant/accused was earlier granted interim bail, but he himself did not join the investigation, therefore, this second anticipatory bail is not maintainable. Hence, prayer has been made for dismissal of the bail application.

4. Heard. Perusal of the file shows that in the present case, the applicant/accused was granted interim bail vide order dated 31.10.2023 and was directed to join the investigation with the

investigating officer, but he did not join the investigation and bail application was withdrawn on 08.11.2023 and now the present second anticipatory bail application has been filed by the applicant/accused. Although, learned Additional Public Prosecutor for the State has argued that second anticipatory bail application is not maintainable as his earlier bail application has been dismissed, but perusal of the record shows that earlier bail application was not dismissed on merits by this court, rather the same was dismissed as withdrawn and in the present bail application, the applicant/accused has explained the reason for his non joining the investigation. So, in these circumstances, when the applicant/accused is ready to join investigation, therefore, in order to facilitate the investigation this court deem it fit to direct the applicant/accused to appear before the investigating officer/SHO within seven days and join the investigation and on his doing so, he be released on interim bail. The applicant/ accused shall comply with Section 438 (2) of Cr.P.C.

5. Now to come up on 08.12.2023 for further proceedings and consideration. Anything stated in this order shall have no bearing on the merits of the case in any manner.

Sd/-

Announced in open Court.
Dated: 29.11.2023

Pritpal Singh

Stenographer Gr. II

(Hardip Singh)
Judge, Special Court
Ferozepur
UID No.PB0638