

PBGDA10029562024



Presented on : 09-04-2024
Registered on : 09-04-2024
Decided on : 15-04-2024
Duration : 0 years, 0 months, 6 days

**IN THE COURT OF
Judicial Magistrate - Ist Class
AT Batala, Gurdaspur
(Presided Over by Sh.Manpreet Sohi)**

BA/270/2024

STATE

Versus

Joban alias Abhi son of Jodha Singh, R/o village Talwandi Bharath, P.S
Ghanie Ke Banger, District Gurdaspur.

..... Applicant/accused

FIR No. 09 dated 31.03.2024
Under Section 21 & 25 of NDPS Act, 1985.
P.S. Ghanie Ke Banger.

Ist bail application for bail under Section 437 Cr. P.C.

Present : Sh. R.S.Boparai, Advocate counsel for applicant.
Sh. Ravinder Singh Gill, Ld. A.P.P for the State.

ORDER.

1. Vide this order, I shall dispose of first bail application filed on behalf of applicant/accused Joban alias Abhi under Section 437 Cr.P.C for grant of bail in FIR No. 09 dated 31.03.2024 Under Section 21 & 25 of NDPS Act registered at P.S. Ghanie Ke Banger.
2. Notice of the application was given to State and record of the case was produced.

Manpreet Sohi, PCS
JMIC, Batala, 15.04.2024.

3. Brief facts of the prosecution case are that the present FIR was registered against applicant/accused alleging that on 31.03.2024, SI Tarsem Singh along with police party in connection with search of bad elements was present at bridge canal, village Jangla, one person was seen coming on motorcycle bearing Registration no. PB-02-EB-4505. On seeing the police party, he tried to turn back but his motorcycle slipped and fell on the ground. He tried to throw one polythene from his right pocket of his lowar/pent. He was apprehended by police party. On inquiry, he disclosed his identity as Joban alias Abhi son of Jodha Singh, R/o village Talwandi Bharath, P.S Ghanie Ke Banger, District Gurdaspur. Upon checking the said polythene, 4 grams of heroin was recovered from accused/applicant.

4. I have heard learned counsel for the applicant/accused, learned APP for the State and have carefully perused the record of the case.

5. Learned counsel for applicant/accused argued that applicant had been falsely implicated in the present case. The applicant/accused is totally innocent. He has not committed any offence but falsely roped in this case. The applicant/accused was arrested by the local police on 31.03.2024 and till today he is in judicial custody. Thereby, he prayed for grant of bail to the applicant/accused.

6. Upon notice, learned APP for the State, appeared and opposed the bail application on the ground that accused has committed serious offence. In case, applicant/accused is granted bail, it would give a wrong signal to the society and he may try to commit similar other offences. Thereby, he prayed for dismissal of bail application.

7. I have considered respective submissions made by learned counsel for accused/applicant, learned A.P.P for the State and have carefully gone through the file of the case with their able assistance.

8. After hearing rival contentions of both the parties, the Court is of the opinion that applicant/accused deserves to be granted bail. As per the police record, except the present FIR there is no other FIR registered or pending against the applicant/accused. Meaning thereby, the accused has no

criminal antecedents. It is settled principle of law that bail is the rule and jail is an exception. Presentation of challan in the Court and trial thereof will take sufficient long time. The prosecution has not placed on record any document or material which could show the likelihood of the accused fleeing from justice or any apprehension of tampering with evidence or influencing witnesses related to present case. No useful purpose would be served by keeping the applicant in custody for an indefinite period. Applicant is in custody since **31.03.2024**. Moreover, recovery in this case has already been effected. Guilt or innocence of the applicant/accused will be determined during trial which will take a long time as the trial is yet to commence. Keeping in mind the circumstances of the case, without commenting upon merits of the case, I hereby allow this bail application and accused/applicant is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 30,000/- with one surety in the like amount, subject to the following conditions :-

1. That accused shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;
2. That the accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court or to any police officer or tamper with the evidence;
9. However, observations made above are only for disposal of this bail application and would have no bearing on merits of the case.
10. Bail bonds and surety bonds not furnished.
11. Record of the case be returned and file of bail application be attached with the remand papers.

Pronounced
Dt. 15.04.2024

Ikbal Singh, JW Gr.-II

(Manpreet Sohi),
Judicial Magistrate Ist Class
Batala. UID No.PB0656

Manpreet Sohi, PCS
JMJC, Batala, 15.04.2024.