

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

CNR No. PBKP010066982023



Case No. BA/2782/2023

Presented on : 22-12-2023
Registered on : 22-12-2023
Decided on : 26-12-2023

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.177 of 05.08.2019
 Under Sections 22/61/85 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.
 SI Balbir Singh, No.239/Kpt., PS Sultanpur Lodhi,
 District Kapurthala.

ORDER:-

1. File put up before me today being the duty officer during Winter Vacations.
2. Applicant/accused named above has filed this bail application under Section 439 Cr.P.C in a case FIR No. 177 of

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05.08.2019 under Section 22/61/85 of NDPS Act registered at Police Station Sultanpur Lodhi, Kapurthala.

3. Upon notice, Ms. Meetu Sheanhmar Additional Public Prosecutor appeared on behalf of State and opposed the bail application.

ARGUMENTS BY LD. COUNSEL FOR APPLICANT/ACCUSED:

4. The learned counsel for the applicant/accused has submitted that trial of the present case is pending for 29.01.2024. Earlier, the applicant/ accused on bail, vide order dated 07.11.2019. The challan in this case was presented along with report FSL. As per report of FSL, the contraband allegedly recovered from the applicant/ accused being 255 grams of Alprazolam falls under the category of commercial quantity. Accordingly, his bail order was cancelled and he was summoned through non bailable warrants. Ultimately, he was declared as proclaimed offender vide order dated 28.09.2022. Then, he was arrested by the police on 07.10.2022 and since then, he is in custody. Applicant/accused undertakes to abide by all the terms and conditions to be imposed while releasing him on bail and lastly a prayer is made for allowing his bail application.

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 declared as proclaimed offender, 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, SI Balbir Singh has appeared and suffered a statement that accused Sarwan Singh was again arrested in the present on 07.10.2022. Applicant/ accused was earlier declared proclaimed offender on 28.09.2022. Recovery of 255 grams of Alprazolam was effected from applicant/ accused.

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

8. Main case file is taken up for the disposal of present bail application. Perusal of record shows that initially, on 07.11.2019, the applicant/ accused was granted interim bail by my learned Predecessor and thereafter, challan in the present case was presented on 18.02.2020. Thereafter, in view of report of chemical examination, the said order of interim bail stood cancelled, as the recovery from the accused falls within the ambit of commercial quantity. Finally, he was declared as proclaimed offender vide order dated 28.09.2022.

9. Perusal of file further shows that applicant/accused has now been arrested in this case only on 07.10.2022. No plausible explanation has come forward on the part of the applicant/accused to show about keeping himself away from court proceedings for said period. Applicant/

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accused has avoided the process of law and if he is granted bail he may again flee/abscond from the process of law. So, in the light of above said facts and circumstances, as discussed above; taking into consideration the act & conduct of the applicant/accused and taking into consideration the fact that the applicant/accused had already been declared as **proclaimed person** and recovery of 255 grams of intoxicant material containing Alprazolam effected from the present applicant/accused falls under the **category of commercial quantity**, no ground is made out to release him on bail. Hence, the bail application in hand, is **dismissed**. Record of this bail application be tagged with the main challan file pending in this court.

Pronounced on:

Dated:26.12.2023

Kaushal Kumar

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

Rana Kanwardeep Kaur Chahal,
JSC/Kapurthala
Dated 26.12.2023

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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.
SI Balbir Singh, No.239/Kpt., PS Sultanpur Lodhi,
District Kapurthala.

Statement of SI Bablir Singh has been recorded.

Record has been produced. Arguments heard. Vide my
separate detailed order of even date, the bail application filed by
applicant/accused stands dismissed as detailed therein. Record of this bail
application be tagged with the main challan file pending before this Court.

Pronounced on:

Dated:26.12.2023

Kaushal Kumar

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

Rana Kanwardeep Kaur Chahal,
JSC/Kapurthala
Dated 26.12.2023