

**In the court of Sardar Harjeet Singh, Judge, Special Court,
Moga. (UID No.PB0131)**

CIS No.BA/2784/2022
CNR No.PBMO010073902022
Date of Order:- 19.12.2022

Sukhmandar Singh alias Sukhi (correct name and father name of the applicant as Sukhwinder Singh alias Mukhi son of Binder Singh) son of Sukhi resident of Pulli Wala Mohalla, Moga, District Moga.

....Accused/Applicant

Versus

State of Punjab

FIR No.238 dated 15.11.2022,
U/ss 15/18/21/22/61/85 of NDPS Act ,
P.S. City South, Moga

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Bail Application under Section 438 Cr.PC.

Present: Sh. B.S.Gill Advocate for applicant/accused
Sh. Kuldeep Sahni Addl.PP for the State

ORDER

Police record was summoned and received.

Learned counsel for accused/applicant has argued that accused/applicant has been falsely implicated in the case in hand. No recovery is to be effected from the accused/applicant. The accused/applicant does not involve in such kind of illegal activities. The accused/applicant is ready to join the investigation. His custodial interrogation is not required and prayed that accused be granted anticipatory bail.

On the other hand, learned Addl. PP for the State argued that FIR was registered on true facts and it is not a fit case, where concession of bail can be granted to accused/applicant and prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant-accused and learned Addl. PP for the State.

Perusal of record shows that present FIR was registered by the police on the allegations that the police party headed by ASI Jaspal Singh was present at Gill Road Chowk, in connection with patrolling duty and checking of bad elements, where he received secret information that Kamaljit Singh alias Baba, Pinky, Tarsem Singh alias Soma, Shama Singh, Jagdev Singh alias Gora, Avinash, Sona alias Bona, Akbar, Bittu Bakkra, Kulvir Singh alias Rinku, Sukhdev Singh alias Sebu, Sukhmandar Singh used to sell the opium, poppy husk, smack, heroin and intoxicant tablets. If raid be conducted, they can be apprehended with huge quantity of intoxicant substances. Thereafter, co-accused Pinky was apprehended and recovery of 5 grams of heroin and drug money of ₹ 56,000/- has been effected from her.

Perusal of record goes to show that present FIR was registered on the basis of secret information. The purpose will be served by directing the applicant-accused to join the investigation. So, in the meantime, applicant-accused is directed to join the investigation with the Investigating Officer/Arresting Officer and on his doing so, he shall be admitted to interim bail by the Investigating Officer/Arresting Officer to his satisfaction, subject to compliance of provisions of Section 438(2) Cr.P.C

Now to come upon 23.12.2022 for awaiting compliance report and further arguments.

Pronounced.
19.12.2022.
(Sunny Stenographer II)

(Harjeet Singh)
Judge, Special Court,
Moga. (UID No.PB0131)