

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

CIS No.BA/2799/2022
CNR No.PBMO010074472022
Date of Order:- 20.12.2022

State of Punjab

Versus

Baljinder Singh alias Nazar son of Bikkar Singh son of Piara Singh resident of
village Noorpur Hakima, District Moga.

....Accused/Applicant

FIR No.273 dated 30.11.2022,
U/s 21/29/61/85 of NDPS Act,
P.S. Dharamkot.

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Bail Application under Section 439 Cr.PC.

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

ORDER

Vide this order, I intend to dispose of bail application under
Section 439 Cr.P.C filed by applicant-accused in the FIR mentioned above.

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. A false recovery of 5
grams of heroin has been planted upon the accused/applicant. The alleged
recovery effected from the accused/applicant does not falls into commercial
quantity. The mandatory provisions of NDPS Act have not complied with.
Applicant/accused is in judicial custody since 30.11.2022. The presentation of
challan and completion of trial will take long time and prayed that applicant-
accused be released on 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 HC Jagsir Singh was going towards Dharamkot, Noorpur Hakima etc in connection with patrolling duty and checking of bad elements. When the police party reached at T-point, Sundar Basti, Dharamkot, two clean shaven person was seen coming on foot from Sunder Basti side who on seeing the police party got perplexed and tried to turn back after throwing away polythene envelopes on the earth. On suspicion, both the said persons were apprehended. First person disclosed his identity as Baljinder Singh and second person disclosed his identity as Harjit Singh alias Sukhjit Singh. Upon checking of polythene envelop thrown by the accused/applicant, it was found to be containing 5 grams of heroin.

The alleged recovery of heroin effected from accused/applicant does not falls into commercial quantity. Applicant-accused is in custody since 30.11.2022. The presentation of challan and completion of trial will take a lot of time. No useful purpose would be served by detaining the applicant-accused behind bars for an indefinite period. The culpability of applicant-accused shall be gauged during the course of trial. So, in these circumstances and without much commenting upon merits of the case, bail application is allowed and applicant-accused is ordered to be released on bail on furnishing

his personal bonds in the sum of ₹ 40,000/- with one surety in the like amount with following conditions:-

- (i) that applicant shall not leave the country without prior permission of the Court;
- (ii) that he shall appear in each and every date of hearing;
- (iii) that he shall not tamper with the prosecution evidence or shall not threat any prosecution witness.

Papers be attached with relevant record.

Pronounced.
20.12.2022.
(Sunny Stenographer II)

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

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

Police record received. Arguments heard. Vide my separate order of even date, the present bail application stands allowed. Police record be returned back forthwith. Papers be attached with relevant record.

Pronounced.
20.12.2022.
(Sunny Stenographer II)

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