

PBGD010088302019



Presented on : 29-08-2019
 Registered on : 29-08-2019
 Decided on : 30-08-2019
 Duration : 0 years, 0 months, 1 days

**IN THE COURT OF
 Judge Special Court, Gurdaspur
 (Presided Over by Sh. Jatinder Pal Singh Khurmi)**

CNR No.PBGD01-008830-2019

CIS No. BA-2609-2019.

Bail Application No. 590 of 29-08-2019.

Harpreet Singh alias Happy son of Navtej Singh, resident of Village Misharpura, Police Station Rangar Nangal, Tehsil Batala, District Gurdaspur.

...Applicant/Accused.

Versus

State of Punjab.

...Respondent.

FIR No. 126, dated 17.08.2019,
 Under Section: 21-61-85 of NDPS Act,
 Police Station: City Batala.

First bail application under Section 439 Cr.P.C.

Present: Shri Rachhpal Singh Boparai, Advocate, for applicant-accused.
 Shri J.P.Bains, Additional Public Prosecutor for the State.

ORDER

The present application has been filed for regular bail under section 439 Cr.P.C. to grant bail to the applicant in case FIR No. 126, dated 17.08.2019, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act 1985, (for short the 'Act') registered at police station City Batala.

2. Notice of the bail application was issued to the respondent-

State and police record has been received and perused.

3. As per FIR, the allegations against the accused-applicant are that on 17.08.2019 ASI Baldev Singh along with other police officials was present in the area of G.T. Road, Railway Station turn, in connection with patrolling and search of bad elements, where one person coming from Amritsar side, who on seeing the police party tried to throw the polythene bag after taking out the same from the right pocket of his wearing pant. He was apprehended by the police party, who disclosed their names as Harpreet Singh @ Happy. Intoxicant tablets were visible as the polythene bag was transparent. Further investigation was conducted by ASI Balraj Singh. Said polythene bags were taken into police possession. On Checking the said polythene bags, 06 heroin was recovered from the said polythene bag. Accused-applicant did not produce any permit or licence to possess the same. After his arrest, the representative samples were collected and sent to Chemical Laboratory for its analysis but till date, chemical report has not been received.

4. Learned counsel for the applicant Harpreet Singh @ Happy has submitted that the accused-applicant is in judicial custody. He further submitted that accused-applicant is innocent and has been falsely implicated in this case. He further argued that accused-applicant has committed no offence, but the alleged recovery has been planted upon the accused-applicant. The trial is likely to take considerable time to conclude and prayed for grant of concession of regular bail.

5. Per contra, Learned Additional Public Prosecutor for the State opposed the bail application of the accused-applicant while submitting that the accused is indulging illegal activities of drugs and he should not be granted bail and prayed for dismissal of the same. However, learned Additional Public Prosecutor has not disputed the factum of non-presentation of challan and also that report of Chemical Examiner has not been received so far.

6. On hearing both sides besides perusing the police record and considering the quantity of the drugs and incarcerated in jail and recovery effected from him is 06 grams Heroin. Without expressing anything on the merit of the case, the instant application for bail is, hereby, allowed, subject to furnishing of bail bonds and surety bonds in the sum of Rs.50,000/- with one surety of the like amount before Trial Court/ Duty Judge. Police record returned. Papers be tagged with the remand papers.

Pronounced in open Court.
30.08.2019.

(Jatinder Pal Singh Khurmi),
Judge Special Court,
Gurdaspur (UID No.PB0057)

Priya Phutella, Stenographer III

Dictated on :30.08.2019.
Transcribed on :30.08.2019.
checked on :30.08.2019.
Signed on :30.08.2019.

(Jatinder Pal Singh Khurmi),
Judge Special Court,
Gurdaspur (UID No.PB0057)