

IN THE COURT OF SMT. PARAMJIT KAUR, ADDITIONAL
SESSIONS JUDGE/JUDGE SPECIAL COURT, TARN TARAN.

CNR No.PBTT0100-4614-2019

CIS No.BA/2424/2019.

Bail Application No.579/30.8.2019

Decided on : 6.9.2019.

Malkit Singh alias Dobby son of Kala Singh alias Bira Singh, resident
of village Warring Suba Singh, Tehsil Khadoor Sahib, District Tarn
Taran.

(Applicant-accused)

Versus

State of Punjab

FIR No.102 dated 23.6.2019.

U/s 22/61/85 NDPS Act

Police Station : Goindwal Sahib.

BAIL APPLICATION U/S 439 Cr.P.C.

Present: Sh.Gurpreet Singh Panesar Advocate, Ld. Counsel for
applicant-accused
Shri Inderpal Singh Sandhu, Ld. Additional Public
Prosecutor for respondent/State of Punjab

ORDER

1. This order of mine shall dispose of the bail application filed by
the applicant-accused under Section 439 of the Cr.P.C. in case FIR No.
FIR No.102 dated 23.06.2019, U/s 22/61/85 NDPS Act, Police Station
Goindwal Sahib.
2. Notice of this bail application has been issued to the Ld.
Additional Public Prosecutor for the State and record has been
requisitioned.
3. It has been contended by the Ld. Counsel for the applicant-
accused that the applicant-accused is an innocent and has been falsley
implicated in this case. The applicant-accused is in judicial custody
since 23.6.2019 and is not required for further investigation. The

mandatory provisions of NDPS Act has not been complied in the present case. The alleged recovery falls within the category of non commercial quantity as section 37 of NDPS Act is not attracted in the present case. The applicant-accused has not been declared as proclaimed offender by any court of law. No any other case under NDPS Act is pending or decided by any court of law. The challan is not likely to be presented in near future and trial of the case will take long time for its conclusion and no useful purpose will be served by keeping the applicant-accused behind the bars. The applicant-accused belongs to respectable family and will not abscond if admitted to bail. The applicant undertakes to abide by all the terms and conditions as may imposed by this court. The applicant-accused undertakes to abide by the directions issued by this Court. A prayer has been made to admit the applicant-accused to interim bail till the receipt of the report of the Chemical Examiner.

4. I have heard Ld. Counsel for the applicant-accused and Ld. Additional Public Prosecutor for the State and have gone through the record very carefully.

5. In a case titled as **Inderjit Singh @ Laddi VS State of Punjab**, 2014(3) RCR(Criminal) 953, Our own Hon'ble High Court has held that in cases where the report of Chemical Examiner/FSL is not received, the petitioner is entitled to concession of interim bail. However, this order shall remain in operation till the receipt of report of Chemical Examiner/FSL. Similarly, in another recent case titled as **Rajesh Rana VS State of Punjab** passed in CRM-M-7700-2018 (O

&M) decided on 28.02.2018 relying upon **Inderjit Singh @ Laddi's** case (Supra) has held that awaiting the report of Chemical Examiner/FSL, petitioner can be granted interim bail till the receiving of such report.

6. In the present case, 350 intoxicant tablets are alleged to have been recovered from the conscious possession of the applicant-accused. The report of the Chemical Examiner/FSL has not yet been received and this fact is admitted by the Investigating Officer of this case as well as the Ld. Additional PP for the State. Without receiving the report of the Chemical Examiner/FSL, it cannot be ascertained that the salt of contraband recovered from the possession of the applicant-accused falls under the category of commercial or non commercial category. The applicant-accused is in judicial custody. Keeping in view all the facts and circumstances and the law laid down in the aforementioned authorities, the applicant-accused is ordered to be admitted to interim bail on his furnishing bail bonds and surety bonds to the tune of Rs.50,000/- with one surety in the like amount along with an undertaking that on receipt of the report of Chemical Examiner/FSL, he shall surrender before the court immediately if the contents of the contraband falls under the category of commercial category. The bail application under reference stands dispose of accordingly. The record pertaining to the bail application be placed on record/consigned to the Record Room, Tarn Taran.

Pronounced in open court:

Dated : 6.9.2019

Inderjit Singh Steno Gr.I

Paramjit Kaur
Judge Special Court, Tarn Taran
UID-PB-0134

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