

IN THE COURT OF SH. GURMOHAN SINGH,
JUDGE SPECIAL COURT
FEROZEPUR.
(UID NO.PB-0573)

Bail Application No. 2597 of 2020
CNR No.PBFZ010050972020
Date of decision: 17.12.2020

State of Punjab

Versus

1. Parvej Singh aged about 35 years son of Piara Singh, resident of village Rasulpur, P.S. Makhu, Tehsil Zira, District Ferozepur.
2. Harmail Singh aged about 34 years son of Makhan Singh, resident of Street No. 6, Ward No. 13, Teacher Colony, Faridkot, P.S. City Faridkot, Tehsil and District Faridkot.

.....Accused/Applicants.

**Bail application under section 439 Cr.P.C in case
FIR No.152 dated 31.10.2020 under Section
18/61/85 of ND & PS Act registered at Police
Station Makhu.**

Present: Sh.Deepak Khullar, counsel for the accused/applicants.
Sh.APS Brar, Additional Public Prosecutor for State.

ORDER:

1. The present bail application has been filed by accused/applicants Parvej Singh and Harmail Singh under section 439 Cr.P.C., in FIR No.152 dated 31.10.2020 under Section 18/61/85 of ND & PS Act registered at Police Station Makhu.

2. Brief facts of the case are that the present FIR has been registered against the accused/applicants with the allegation that on 31.10.2020 while patrol duty, the police party apprehended the accused/applicants while they were coming on on motor cycle and tried to turn back the motor cycle on seeing the police party but their motor cycle slipped and the polythene envelope hanging with the handle of the motor cycle got torn. On checking the article lying in the polythene envelope, 500 grams of Opium was recovered. Therefore, both the accused/applicants were arrested and the contraband recovered from their possession alongwith motor cycle were taken into police possession. Thus, FIR was registered and accused/applicant have filed the present bail application.

3. Notice of the bail application has been issued to the State. Learned Additional Public Prosecutor for the State has appeared. Record has been produced.

4. Learned counsel for the accused/applicant states that accused/applicants have been falsely implicated in the present case as nothing was recovered from them and the alleged recovery has been planted upon the accused/applicants. Learned counsel for the accused/

applicants further submitted that provisions of NDPS Act has not been followed at the time of effecting alleged recovery. Further submits that the recovery has already been effected and nothing remains to be recovered from the accused/applicants, who are in custody since 31.10.2020 and thus prays that present bail application be allowed.

5. Learned Additional Public Prosecutor for the State submits that 500 grams of Opium has been recovered from the accused/applicants. Chemical Examiner report has not been received and thus accused/applicant does not deserve the concession of the bail.

6. After hearing learned counsel for the applicants and learned Additional Public Prosecutor for the State and perusal of the police file, it reflects that 500 grams of Opium alleged to be recovered from the present accused/applicants and they are behind the bars since 31.10.2020. Further Chemical Examiner Report is yet to be received. Thus, in these circumstances, relying upon the judgment passed by the ***Division Bench of Hon'ble Punjab & Haryana High Court in Criminal Misc.No.1140 of 2012 decided on 30.01.2014 titled as "Inderjit Singh @ Ladi vs State of Punjab"*** has held that ***"in case there is delay, this would entitle the offender of at least interim bail till the***

report is finally received”, this court is of the view that accused is entitled to get interim bail till report of chemical examiner is finally received. Further this court is also of the considered opinion that the challan and the chemical examiner report will take sufficient long time. Accordingly, the accused/applicants are ordered to be released on interim bail till receiving of chemical examiner report, subject to furnishing of bail bonds in the sum of Rs.50,000/- each with one surety each in the like amount, subject to the result of chemical examiner and if the results comes to be non commercial quantity then the bail order would automatically stands confirmed and if it come out to be commercial, then the bail orders would be automatically vacated. Accordingly, the present bail application is allowed. File be attached with the remand papers.

Pronounced in the open court

Sd/-

Date of Order:17.12.2020

‘Pritpal Singh’

Stenographer Grade-II

(Gurmohan Singh)
Judge Special Court,
Ferozepur.
(UID No. PB-0573)

State Vs. Parvej Singh etc.

Present: Sh.Deepak Khullar, counsel for the accused/applicants.
Sh.APS Brar, Additional Public Prosecutor for State.

Arguments heard on the bail application. Vide my separate order of even date, the present application is allowed and the applicant/accused is admitted to interim bail subject to the result of report of Chemical Analysis. File be attached with the remand papers.

Pronounced in the open court

Sd/-

Date of Order:17.12.2020

'Pritpal Singh'

Stenographer Grade-II

(Gurmohan Singh)
Judge Special Court,
Ferozepur.
(UID No. PB-0573)