

**In the court of Smt. Ramesh Kumari,
Judge Special Court, Barnala.**
(Unique Identification No.PB0039)

CNR No.PBBR01-003351-2018
CIS No.BA/1056/2018
Decided on.....12.10.2018

Gurdeep Singh @ Deepa, son of Gurmail Singh, resident of Malkani Patti,
Badbar, Police Station, Dhanoula, District Barnala.

...Applicant/accused

Versus

State of Punjab

Application for bail under Section 438 of Code of Criminal Procedure

FIR no.118 dated 27.04.2017
Police Station : City Barnala
Under Sections : 20,21,29 of Narcotic Drugs and
Psychotropic Substances Act

Present: Sh.Puneet Pabbi Advocate counsel for applicant.
Sh.Mumtaz Ali Public Prosecutor for State

ORDER

1. This order of mine shall decide this application for pre-arrest bail filed by above named applicant/accused under Section 438 of Code of Criminal Procedure, arising out of above noted FIR.

2. After receipt of bail application by way of entrustment, it were ordered to be registered. Record of trial is also produced.

3. Learned counsel for applicant has contended that the applicant is innocent and a false case has been got registered against the applicant. The applicant has been appearing in the trial court prior to 21.08.2018 on which date, the applicant failed to appear in the court due to inadvertence as he took the date to be 21.09.2018. On 21.09.2018, when applicant came

present in the court, it was told by counsel for the applicant that he has been marked absent on 21.08.2018. Nothing incriminating has been recovered from applicant and quantity of alleged recovery does not fall within definition of commercial quantity. The applicant is ready to appear before the trial court and to join the proceedings. Hence, it is prayed that application be allowed and applicant be given the concession of pre-arrest bail.

4. The main contention of learned Public Prosecutor is that the applicant has misused the concession of bail accorded earlier and allegations against the applicant are serious in nature and thus prayed that the applicant is not entitled for concession of pre-arrest bail.

5. Record reveals that when case was fixed for 21.08.2018 in the trial court, applicant failed to appear in the trial court and his bail order was cancelled and his bail bonds and surety bonds were cancelled and forfeited to the State and he was ordered to be summoned through warrants of arrest. The applicant could not appear in the court as he mistook the date as 21.09.2018 in stead of 21.08.2018. As the challan is already pending for trial before the trial court, but conclusion of trial shall take sufficient time and criminal liability of applicant if any can only be determined after holding a regular trial, hence without commenting any word on merit of the case, instant applications for pre-arrest bail is allowed. The applicant is directed to surrender before the learned trial court/Duty Magistrate within 5 days and on doing so, he shall be admitted to bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of Trial Court/Duty Magistrate, with an undertaking to appear in the court on each and every date of hearing, not to tamper with evidence

of prosecution and not to leave the country without prior permission of the court. Record of trial court be sent back alongwith copy of order for compliance. Bail application/record be consigned to record room.

Pronounced in Open Court.

Dated:12.10.2018
J.Sharma/JW-II

(Ramesh Kumari)
Judge Special Court
Barnala (PB0039)

Gurdeep Singh vs State

Present: Sh.Puneet Pabbi, Advocate counsel for the applicant.
Sh.Mumtaz Ali Public Prosecutor for State.

Record of trial is produced. Arguments have been heard.

Vide separate order of even date, instant application for pre-arrest is allowed, as stated therein. Record of trial court be sent back alongwith copy of order for compliance. Bail application/record be consigned to record room.

Pronounced in Open Court.

Dated:12.10.2018
J.Sharma/JW-II

(Ramesh Kumari)
Judge Special Court
Barnala (PB0039)