

BA 1076 22.

**THE COURT OF SMT. PREETI SAHNI,
ADDITIONAL SESSIONS JUDGE, TARN TARAN**

CIS No. : BA/1076/22
Date of Institution : 02.05.2022
Date of Decision : 25.05.2022

Balwinder Singh @ Bablu s/o Rajbir Singh r/o village Mianwind, P.S Verowal
Tehsil Khadur Sahib Distt. TarnTaran.

----Applicant/accused.

Versus

State of Punjab

-----Respondent.

FIR No. : 53/16.04.2022
Under Sections : 21/29/61/85 of NDPS Act.
Police Station : Verowal.

First Bail Application under Section 439 Cr.P.C..

Present: Sh. Narinder Singh, Advocate, counsel for the applicant/accused.
S. Gurpreet Singh Rana, Ld. APP for the State.

ORDER

Accused/applicant has moved the present bail application under
Section 439 Cr.P.C. seeking grant of regular bail.

It is alleged that the applicant-accused is innocent and has been falsely implicated in this case; he is in custody since 16.04.2022; nothing has been recovered from the possession of applicant/accused; he is no more required for further investigation and no useful purpose would be served to keep the applicant behind the bars. He thus prays for grant of bail.

On the other hand, learned. Addl. PP for the state has opposed the bail application.

Heard. Police record has been received and perused. As per prosecution version, on 16.04.2022, ASI Lakhwinder Singh (investigating officer) along-with other police officials were going from police station Verowal to Nagoke Gharat, Fazalpur, Uppal etc. When the police party reached near gate Jawandpur, then from front side, two persons were seen coming on motorcycle marka

splendor, colour black. On seeing the police party, they tried to turn their motorcycle and during that, the pillion rider of the motorcycle took out one polythene packet from his pocket and threw on the road side. Thereafter, they were apprehended and on inquiry, the driver of motorcycle disclosed his name as Balwinder Singh (applicant/accused) s/o Rajbir Singhi r/o Mianwind and the pillion rider disclosed his name as Yodhbir Singh @ Yoda s/o Sukhraj Singh r/o Mainwind.

Thereafter, on checking of the polythene packet, 8 grams of heroin was recovered, which was thrown by co-accused Yodhbir Singh.

During course of arguments, Ld. Counsel for accused raised point that nothing has been recovered from the possession of applicant/accused, and the recovery of 8 grams of heroin was recovered from the possession of co-accused, and he has been released on bail.

So considering the over all facts and circumstances as discussed above, in the opinion of the Court, the applicant/accused is in custody since 16.04.2022, no useful purpose would be served by keeping the applicant-accused behind the bars for indefinite period. It will take long time for the trial to be completed, so, in these circumstances, the present application is allowed and the applicant is ordered to be released on bail on furnishing bail and surety bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of the concerned Court/ Illaqa Magistrate/Duty Magistrate. Papers be consigned to the record room.

Pronounced
25.05.2022
Aman (Steno)

(Preeti Sahni)
Additional Sessions Judge
Tarn Taran/UID-PB0078