

**IN THE COURT OF KIRAN BALA, ADDITIONAL SESSIONS
JUDGE, BATHINDA. (UID No. PB-0147)**

CRN No. BA/1105/2020
CNR No. PBBT01-003117-2020
Order dated : 6.5.2020

State Versus

Gurtej Singh @ Babbu, aged about 22
years, s/o Bhappa Singh r/o village
Tarkhanwala, Teh. Talwandi Sabo, Distt.
Bathinda.

.....Applicant/Accused.

FIR No. 36 of 25.2.2020
U/s 22 NDPS Act
P.S. Raman.

Bail Application U/s 439 Cr.P.C.

Present : Sh. K.S. Sidhu, proxy counsel for applicant/accused.
 Sh. J.S. Gill, Addl. PP for the respondent/State.

ORDER :

1. The instant bail application for grant of regular bail under section 439 of Cr.P.C., has been filed by the above said applicant, who has been named as accused in above referred FIR.
2. As per averments made by the accused/applicant, he has falsely been implicated in this case and he has nothing to do with the recovery of alleged contraband. Nothing incriminating was recovered from the accused/applicant and alleged recovery has been planted upon him. The accused/applicant is in custody since 11.2.2020. Moreover, the alleged recovery has already been effected and no useful purpose would be served by detaining the accused/applicant behind bars any further. As such, a prayer has been made to grant bail to the accused/applicant.
3. No formal reply was filed, but, grant of bail was opposed by

learned Addl. Public Prosecutor for the State that such type of recoveries are against the interest of society and accused/applicant should not be granted bail.

4. I have heard Learned counsel for the applicant/accused, learned Addl. Public Prosecutor for the State and gone through the material on record. Arguments have been made ad-verbatim.

5. As per the prosecution case on 25.2.2020, ASI Gobind Singh recovered 400 tablets of Tredol-100 from the possession of applicant/accused and his co-accused, without any valid permit or license. The accused/applicant was arrested on the same day i.e. 25.2.2020.

6. Chemical report yet not received. Recovery has already been effected. Receipt of chemical report, investigation and resultant trial, if any, is likely to take considerable time and no useful purpose will be served by detaining the applicant/accused behind the bars particularly in view of orders passed in CRM No. M-13140, 14461 and 20282 of 2012 and CRM No.M-1379 of 2013 case titled as **“Inderjit Singh @ Laddi etc., Vs State of Punjab”** while placing reliance upon the citations of law by Hon'ble Supreme Court of India titled as **“Sukhwant Singh Vs State of Punjab, (2009) 7 SCC 539”** and **“Deepak Bajaj Vs State of Maharashtra, (2008) 16 SCC 14”** has categorically observed that Article 21 of the Constitution of India protects the life and liberty of every person. The reputation of a person is his valuable asset and is a facet of his right under Article 21 of the Constitution. The Court hearing on regular bail application has got an inherent power to grant interim

bail pending the final disposal of the bail application. The Presiding Officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report. Chemical report is not likely to be placed on record by the prosecution in the near future. An unnecessarily delay has been caused to place on record the chemical report. As such, pending receipt of chemical report, the accused-applicant is admitted to interim bail till the receipt of Chemical Examiner report or challan, during the pendency of bail application, on furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount, to the satisfaction of this Court/Duty Officer, subject to the following conditions:-

- a) the applicant shall appear in the Court on each and every date of hearing;
- b) the applicant shall not leave the country without prior permission of the Court;
- c) the applicant shall not induce the prosecution witnesses;
- d) the applicant shall surrender his passport in the Court, if he does not possess any passport, then an affidavit in this respect be also furnished by him;
- e) the applicant will surrender before the court himself upon presentation of challan in the event of quantity of alleged contraband found to be commercial.

7. However, if after receipt of Chemical Examiner report or presentation of challan, the Court reaches to the conclusion that the alleged recovered quantity of contraband is commercial, in that event, the interim bail shall stand automatically cancelled or the prosecution shall be at liberty to seek cancellation of bail and applicant/accused will

make surrender before the Court himself, but, if after receipt of report of Chemical Examiner, the quantity of alleged contraband is found non-commercial, in that case, the interim bail shall be considered as absolute till the disposal of the case.

8. At this stage, learned counsel for the applicant has submitted that due to curfew in the Punjab State due to peculiar circumstances arising out of outbreak of Novel Coronavirus (Covid-19), applicant is unable to produce surety and witnesses in the court, so he may kindly be released on furnishing of personal bond and he may be allowed to furnish surety bonds as and when the curfew/lock down is over in the State. Keeping in view the facts and circumstances arising out of outbreak of Novel Corona Virus (Covid-19), request of learned counsel for the applicant is considered and allowed being genuine. Accordingly, applicant is ordered to be released on bail on furnishing of personal bonds before the Superintendent, Central Jail, Bathinda, which in turn shall be sent to this court/concerned court. Applicant is also directed to furnish surety bonds within 15 days as and when curfew/lock down is over and the situation becomes normal.

9. A copy of this order be sent to the Superintendent, Central Jail, Bathinda through e-mail for necessary compliance. Record of present application be tagged with the remand papers by the Ahlmad of concerned Court.

Pronounced in open Court.
Dated: 6.5.2020.

(Kiran Bala),
Additional Sessions Judge, (D)
Bathinda.
(UID PB-0147)

Suraj Mohan SG-II.

CRN No. BA/1105/2020
CNR No. PBBT01-003117-2020

State Vs. Gurtej Singh

Present : Sh. K.S. Sidhu, proxy counsel for applicant/accused.
Sh. J.S. Gill, Addl. PP for the respondent/State.

Police record produced. Arguments heard. Vide my separate detailed order of even date, the present bail application stands allowed. Police record be returned forthwith. A copy of this order be sent to the Superintendent, Central Jail, Bathinda through e-mail for necessary compliance. Record of present application be tagged with the remand papers by the Ahlmad of concerned Court.

Pronounced in open Court.

Dated: 6.5.2020.

(Kiran Bala),
Additional Sessions Judge, (D)
Bathinda.
(UID PB-0147)

Suraj Mohan SG-II.