

**IN THE COURT OF MS.LUKHVINDER KAUR DUGGAL,
JUDGE SPECIAL COURT, PATIALA.**

*BA No.1101-2024
CNR No.PBPT01-003728-2024
Decided on 9.4.2024.*

**Surinder Pal Singh s/o Pal Singh, r/o H.No.15, Baba Jeewan Singh Basti,
Passi Road, Patiala.**

.....Applicant-Accused.

Versus

State.

....Respondent.

**FIR No.153 dated 16.9.2023.
U/s 22/29/61/85 NDPS Act.
PS Civil Lines Patiala.**

***First application u/s 438 CrPC for grant of anticipatory
bail.***

Present: Sh.P.S.Sidhu, Advocate for the applicant-accused,
namely, Surinder Pal Singh,
Sh.Puneet Khanna, learned APP for the State, with ASI
Gurlal Singh, No.337/PTA, PS Civil Lines, Patiala.

ORDER

1. This order of mine shall dispose of first bail application under Section 438 CrPC for grant of anticipatory bail to the accused-applicant in the case mentioned above.

2. Notice of the bail application was issued to the state and Sh.Puneet Khanna learned APP appeared on behalf of the State. The concerned Ahlmad has reported that as per CIS system no bail application of the applicant is pending or decided in the same FIR and as per the Hon'ble High Court site, no bail application of the applicant regarding the present FIR is pending or decided. ASI Gurlal Singh has also produced the record and suffered statement that no bail application of the applicant regarding the present FIR is pending in the Hon'ble High Court, nor any bail application regarding the present FIR has been decided in the present

FIR. He has further stated that the recovery has already been effected from the co-accused, namely, Satnam Singh, in the present case.

3. Heard.

4. As per prosecution version, on 16.9.2023 recovery of 60 grams of intoxicant powder containing salt of Tramadol Hydrochloride was effected from co-accused of the accused-applicant, namely, Satnam Singh @ Jimmy, by police of Police Station Civil Lines. Thereafter, the accused-applicant was nominated as accused in this case, on the disclosure statement of said Satnam Singh @ Jimmy. As such, the applicant-accused was booked as accused in the present case.

5. Learned Counsel for the applicant-accused has argued that the accused/applicant is quite innocent and he has been falsely implicated in the present case. He further argued that alleged recovery has not been effected from the applicant and the accused-applicant has been implicated on the basis of disclosure statement made by the accused Satnam Singh @ Jimmy. However, the applicant has no concern with the alleged recovery. However, the accused-applicant is ready to join the investigation as no custodial interrogation is required to be made. Lastly, he prayed for releasing the accused-applicant on bail.

6. On the other hand, learned APP for the state strongly opposed the bail by advancing arguments. It is argued that custodial interrogation of the applicant-accused is required and therefore, no concession of anticipatory bail should be granted to the applicant/accused.

7. I have considered the submissions made by the learned counsel for the applicant-accused and learned APP for the state, in the light of the record produced before me.

8. Heard. Record perused. As per prosecution version, on 16.9.2023 recovery of 60 grams of intoxicant powder containing salt of Tramadol Hydrochloride was effected from co-accused of the accused-applicant, namely, Satnam Singh @ Jimmy, by police of Police Station Civil Lines. Thereafter, the accused-applicant was nominated as accused in this case, on the disclosure statement of said Satnam Singh @ Jimmy. As such, the

applicant-accused was booked as accused in the present case. In the present case recovery has already been effected. Moreover, the conclusion of trial will take sufficient time and as such, no purpose would be served by keeping the accused-applicant behind the bars for indefinite period.

9. As such, custodial interrogation of the accused is not required. Further, in this case the applicant-accused is ready to join the investigation. This Court is of the considered opinion that ends of justice shall be squarely met if the accused-applicant is directed to make himself available to facilitate thorough and fair investigation.

10. Thus, without expressing any opinion on the merits of the case, the applicant-accused is granted anticipatory bail and he is directed to appear before the Investigating Officer and join the investigation within 5 days before the IO/SHO and upon doing so, the concerned SHO/IO is directed to release the applicant on interim bail to his own satisfaction. The applicant-accused shall abide by the terms and conditions as envisaged u/s 438(2) CrPC. IO/SHO shall report regarding the same on 20.4.2024. Copy of this order be sent separately to the concerned police station for information and necessary compliance. Now, to come come up on 20.4.2024 for awaiting report of Investigating Officer. Police record be returned.

Pronounced in the open
Court on 9.4.2024.

(Lukhvinder Kaur Duggal)
Additional Sessions Judge,
Patiala.
UID No.PB0156

Typed by Brijinder Batish
Stenographer II

** directly dictated.*