

**IN THE COURT OF KIRAN BALA,
JUDGE, SPECIAL COURT, FARIDKOT
(UID No. PB-0147)**

CRN No. BA/1101/2024
CNR No. PBFD01-003540-2024
Decided on : 14.8.2024

State Versus

Lovepreet Singh, aged about 34 years, son of Kulwant
Singh, resident of Sauke District Moga, Punjab.

..... Accused/Applicant.

Bail Application U/s 483 of BNSS

FIR No. 100 dated 03.07.2024
U/s 21(b)/61/85 NDPS Act
P.S. Sadar Kotkapura

Present : Sh. Mandeep Chanana Advocate for applicant/ accused.
 Sh. S. K. Sachdeva, Addl. PP for the state.

ORDER :

1. The instant bail application for grant of regular bail under section 483 BNSS has been filed by the aforesaid applicant, who have been named as accused in above referred FIR.
2. As per averments made in the application, applicant/accused is quite innocent and has been falsely implicated in this case. Nothing has been recovered from him. Nothing is to be recovered from him. He has been involved at the instance of confessional statement by the co-accused Tarsem Singh. Prosecution story is highly improbable, unnatural and manipulated one. Witnesses are police officials and are interested in the prosecution, so there is no question of tampering with their evidence. Mandatory provisions of NDPS Act have not been complied with by the police. As such, applicant should be granted the benefit of bail.
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 applicant/ accused 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 version, on 03.07.2024, police party headed by ASI Angrej Singh along with other police officials, apprehended co-accused Tarsem Singh alias Semi and recovered 22grams heroin along with envelope, from his possession, without any valid permit or license. During interrogation, said Tarsem Singh @ Semi made disclosure statement that he has brought the said heroin from applicant/accused Lovepreet Singh. Thereafter on the basis of disclosure statement of said Tarsem Singh @ Semi, applicant/ accused was nominated in the present case. The alleged recovery of 22grams heroin effected from the co-accused falls within the ambit of non commercial quantity. Co-accused Tarsem Singh @ Semi is already on bail. The applicant/ accused is lingering in custody since 18.7.2024. It will take considerable time for completion of investigation and the presentation of challan and resultant trial, if any. No useful purpose will be served by detaining the applicant/ accused behind the bars indefinitely, rather, it would be a burden on the State exchequer. The applicants/accused are no longer required for any purpose.

6. So, without commenting upon the merits of the case, the bail application stands allowed and the applicant/accused is ordered to be released on bail 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, subject to the conditions that he shall appear on each and every date of hearing. He

shall not leave the country without prior permission of the Court and he shall not induce the prosecution witnesses. Ahlmad is directed to send a soft copy of this order by email to the applicant/prisoner through the Jail Superintendent. The Jail Superintendent shall enter the date of grant of bail in the e-prisons software (or any other software which is being used by the prison department). If the applicant/accused/prisoner are not released within a period of seven days from the date of this order, it shall be the duty of the Jail Superintendent to inform the Secretary, District Legal Services Authority, who shall depute a paralegal volunteer or Jail Visiting Advocate to interact with the applicant/accused/ prisoner and assist him in all possible ways for their release. If the applicant/accused/prisoners are unable to furnish bonds or fulfill the conditions of bail with a period of seven days, aforesaid, the Secretary, District Legal Services Authority, with a view to find out the economic condition of the accused may take the help of Probation Officers or Paralegal Volunteers to prepare a report on the socio economic condition of the inmate to be placed before the Court with a request to relax the conditions of bail. If this order remains uncomplied for one month from the date of this order, Ahlmad is directed to put up the matter again before the undersigned. Police record be returned, immediately. Bail application file along with this order be tagged with the remand papers.

PRONOUNCED IN OPEN COURT ON 14th August 2024

Kiran Bala (PB0147)
Judge, Special Court,
Faridkot

Typed by Sarbjit Singh,
Stenographer Gr-I

State versus Lovepreet Singh

BA-1101-2024

Present : Sh. Mandeep Chanana Advocate for applicant/ accused.
Sh. S. K.Sachdeva, Addl. PP for the state.

Police record received. Arguments heard. Vide my separate detailed order of even date, this bail application stands allowed. Police record be returned forthwith. Bail application file along with this order be tagged with the remand papers/FIR.

Pronounced in open Court.

Dated:14.08.2024.

(Kiran Bala),
Judge, Special Court,
Faridkot
(UID No.PB0147)

Sarbjit Singh Stenographer Grade-I