

In the Court of Barjinder Pal Singh,
Judge Special Court, Barnala.
(Unique identification no.PB0185)

BA no. 1021 of 2020.
CNR No. PBBR01-002473-2020
Date of order 22.09.2020

Jatinder Singh @ Soni son of Tarlok Singh r/o near Hanuman Gate, Aheera
Street, Bhiwani.

Accused/applicant.

Versus

State of Punjab

F.I.R.No.165 dated 22.12.2018

Offence under Section 21/22/25/29 NDPS Act.

P.S. Sadar Barnala

Application u/s 167 (2) Cr.P.C.

Present: Sh. Gagandeep Bhardwaj, Addl. PP for the State
Sh. Makhan Lal Jindal, Adv counsel for the accused/applicant.
(Through VC)

ORDER:

This order will decide this application moved by the
accused/applicant u/s 167 (2) Cr.P.C.

2 As per the prosecution version, on 22.12.2018, a police party
headed by Insp. Malkiat Singh was present at Bus Stand, Dhanaula, where
Insp. Malkiat Singh received secret information that Bholi Kaur and Jit Singh
accused/non-applicants are habitual of selling intoxicant tablets by keeping the
same in their house and if raid is conducted they could be apprehended. Then

raid was conducted and accused/non-applicant Bholi Kaur was apprehended and from her house 2,900 strips of intoxicant tablets, each strip of 10 tablets, of TRAMADOL CLOVIDOL 100-SR, contained in one plastic bag and 2,100 strips, each strip often tablets, of Tramadol Clovidol 100-SR (total 50,000 tablets) were recovered. During the interrogation of accused/non-applicant Laddi Singh, name of accused/applicant Jatinder Singh alias Sonu son of Tarlok Singh resident of Bhiwani, came to be as the source of supplying the contraband and he was nominated as accused and offence under section 29 of the Act was added. Accused/applicant was arrested on 03.10.2019. During the interrogation of Jatinder Singh alias Sonu and from the mobile phone call details of all the accused, name of the accused/non-applicant Ravinder Kumar was added in the FIR. Ravinder Kumar was arrested and he named the accused/non-applicant Sandeep. Then further investigation in the present case is carried out.

3 This application for bail u/s 167 (2) Cr.P.C., is filed by the accused/applicant that he was arrested on 03.10.2019 and challan in this case has not been presented by the police till date and as such he is entitled to be released on bail.

4 This Court has heard the learned counsel for accused/ applicant, learned Addl.PP for the State and perused the record.

5 Today SI Jasvir Singh has appeared and got recorded his statement that accused/applicant was arrested on 03.10.2019 and till today challan has not been presented against him.

6 The accused has been booked in this case U/s 29 NDPS Act for which the minimum punishment is 10 years and as such the prescribed period for filing the challan under these circumstances would be at the most of 180 days.

7 The challan in this case is required to be presented within a period of 180 days but as per the statement of SI Jasvir Singh till date challan has not been presented in this case. As per the report of Ahlmad till date challan has not been presented and as such indefeasible right of the accused has accrued to get the concession of bail on account of failure of the prosecution to present the challan within the stipulated period. So this bail application is allowed and bail applicant is ordered to be released on bail on furnishing bail bonds before SHO PS Sadar Barnala to her/his satisfaction and he/she is further directed to make them aware to furnish the bail bonds before the present Court within 30 days for sum of Rs. 50,000/- with one surety when the regular courts would start working as per following conditions:

1. That the applicant/accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court;
2. That the applicant/accused shall not leave India without the permission of the court and
3. That the applicant/accused shall appear in the court on each and every date of hearing.

File be attached with the remand papers.

Pronounced.
September 22, 2020.
Amit Stenographer Gr.III

Barjinder Pal Singh
Judge Special Court
Barnala.