

(UID No. PB-0263)

Decided on : 23.05.2025

.....Applicant-accused.

Dayalpura District Bathinda.

Bail application under Section 483 of BNSS, 2023.

Present: Sh.Maninder Singh Sidhu, Advocate for applicant-accused.

Sh. Inderpal Singh Walia, Additional Public Prosecutor for State.

ORDER

1. This order of mine shall dispose of the bail application under Section 483 of BNSS filed by the applicant/accused namely Ekam Singh, in above mentioned FIR.
2. It is the pleaded case of the applicant that the present application is the first bail application filed by the accused. It is pleaded that the applicant has been falsely implicated in the present case. Nothing incriminating has been recovered from the conscious possession of the accused. The alleged recovery of 10.12 gram

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Heroin has been planted on the applicant-accused. The accused is in custody since the date of his arrest. It is pleaded that the applicant has no concern with the alleged recovery of contraband. The accused undertakes to appear during the trial and comply with the conditions of bail. Hence the bail application.

3. On the receipt of the application for bail, the report of the Ahlmad of the Court has been called. Ahlmad has reported that as per the record the current bail application is the first bail application moved on behalf of accused in the present FIR. The applicant-accused Ekam Singh is in custody since 11.4.2025. It is reported that regular bail application of co-accused namely Rani Kaur pending in this Court. An affidavit to this effect has been filed by Balvir Singh, brother of the accused in this regard.

4. Notice of the bail application served upon the prosecution. Police record produced. Statement of HC Yadwinder Singh No.527/Bathinda recorded to the effect that the applicant-accused is in custody since 11.4.2025. It is stated by him that the total recovery in this case 10.12 gram of Heroin. The report of FSL has not been received and none of the accused is involved in any case of commercial quantity of contraband.

5. I have heard the learned APP for the State and the learned counsel for the accused. I have gone through the record of the case.

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6. It is argued by the learned APP for the State that the accused is involved in a serious offence. The report of Chemical Examiner is yet to be received. Therefore, it is prayed that the accused does not merit the concession of bail.

7. As per the facts of the FIR registered against the accused, it is alleged that on 18.4.2025 the police party headed by ASI Avtar Singh arrested the accused Ekam Singh and Arshdeep Singh in the area of Police Station Dayalpura and recovery of 10.12 gram of Heroin was effected from the conscious possession of both the accused. The accused Rani Kaur was nominated in this case and the offence under Section 29 of ND&PS Act was enhanced. The Dope test of accused Ekam Singh and Arshdeep Singh was found to be positive. The offence under Section 27 of ND&PS Act was enhanced.

8. As per record, the applicant-accused Ekam Singh is in custody since 11.4.2025. As per the record, the report of Chemical Examiner qua the contents of the contraband recovered from the accused has not been received. As per case law cited as “*Inderjit Singh @ Laddi and others vs. State of Punjab, 2014(3) RCR 953*”, wherein it has been held by the Hon’ble High Court that if the matter is being unnecessarily delayed due to non-receipt of FSL Report, Special Court may release applicant-accused on interim bail till receipt of report of Chemical Examiner.

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9. As per record, the applicant-accused is in custody since 11.4.2025. The recovery effected from the accused i.e. 10.12 gram Heroin falls within the ambit of non-commercial quantity. The receipt of report of FSL and conclusion of investigation is likely to take considerable time. No useful purpose would be served by keeping the accused in custody for an indefinite period. Consequently, without expressing opinion upon the merits of the case and in the light of the case law (cited supra), the applicant-accused Ekam Singh is ordered to be released on interim bail till the receipt of the report of chemical examiner on his furnishing bail bonds in the sum of ₹50,000/- with one surety in the like amount subject to the following conditions until the conclusion of trial :-

1. That the applicant shall attend the trial as per the condition of the bail bond,
2. That the applicant shall not commit an offence similar to the offence of which he is accused of ,
3. That the applicant 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 them from disclosing such facts to the court or to any police officer, and
4. That the applicant shall not leave India without the previous permission of the Court.

10. Further in terms of law laid down by Hon'ble Supreme Court in **SMWP (Criminal) no.04/2021 dated 31.01.2023**, the following directions are issued:-

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1. A soft copy of this bail order be sent to the applicant/prisoner by official email through the Jail Superintendent.
2. Copy of this bail order be also forwarded to the learned Secretary, District Legal Service Authority, Bathinda with a request to ensure compliance of the directions given by Hon'ble Supreme Court in case the bail bonds are not furnished within the stipulated period.
3. If the bonds are not furnished within 07 days, the matter shall be kept alive and brought to its logical conclusion as per the direction of Hon'ble Supreme Court by way of modification or relaxation of the condition of bail.

11. However, it is made clear that if upon receipt of the report of the chemical examiner, the quantity of recovered substance falls under the ambit of commercial quantity, this order shall be deemed to come to an end automatically and the applicant is bound to surrender in the court. The applicant shall be taken into the custody without any further order of cancellation of present interim bail.

12. Bail application stands disposed of. Papers be attached with the remand papers.

Pronounced in open Court
Dated 23rd May, 2025

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Judge Special Court,
Bathinda/23.5.2025
UID No. PB00263

(Suman Bala, Stenographer)

(Jatinder Pal Singh)
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Bathinda. (PB0263)