

**IN THE COURT OF
Additional Sessions Judge, Faridkot
(Presided Over by Kiran Bala, PB0147)**

BA-1126-2024
CNR No. PBFD01-003609-2024
Decided on 21.08.2024

State Versus

Harjeet Singh, aged about 34 years, son of
Balvir Singh, resident of Abmedkar Nagar,
Street No.1, Ludhiana.

....Accused/applicant.

FIR No.92 dated 21.06.2024
Under Sections 21/ 22/ 29/ 61/ 85 NDPS Act and
42, 52-A of Prison Act
Police Station, Sadar Kotkapura

Bail application under Section 483 BNSS

Present: Shri Karanvir Singh Advocate for applicant/accused.
 Shri S. S. Gill, Additional Public Prosecutor for the State.

ORDER

(1) The instant bail application for grant of regular bail under Section 483 B.N.S.S, has been filed by the aforesaid applicant, who has been named as accused in above referred FIR.

(2) As per averments made by the applicant/accused, he is quite innocent and has been falsely implicated in this case. Nothing is to be recovered from him. He has been falsely implicated on the statement of Sudagar Singh @ Mani Fauji and Gaurav @ Gora. False case has been planted upon him. He has not committed any offence. The story of

prosecution is highly improbable and unnatural. As such, he should be granted the benefit of bail.

(3) No formal reply was filed, but, grant of bail was opposed by learned Additional Public Prosecutor for the State, stating that gravity of offence is serious and applicant/accused should not be granted bail.

(4) I have heard learned counsel for the applicant/accused, learned Additional Public Prosecutor for the State and gone through the material on record.

(5) Originally, FIR has been registered on the basis of ruqa, sent by ASI Chamkaur Singh that he and other police officials were on patrolling duty on 21.06.2024 and were going from Faridkot to Kotkapura side. Near Dera Radha Swami, Faridkot, he received secret information that Gurpreet Singh @ Gunni and Lakhveer Singh @ Kheeri are habitual of supplying zarda, beeri, heroin, intoxicating capsules and tablets and mobile phones by throwing them across the wall of the jail, in the dark and earning handsomely from that. On that day also, they were wrapping this material to make parcels and if raided upon, heavy quantity of such material can be recovered. As such FIR was registered. During investigation, accused Gurpreet Singh and Lakhveer Singh were apprehended with 15 grams Heroin, 350 loose intoxicating capsules of red colour without strips, 700 loose intoxicating tablets without strips, 05 mobile phones make Hero with keypad without SIM, 02 mobile phones make Nokia without SIM, one mobile phone make Jio without SIM, 143 packets of zarda, 188 bundles of beeries, 05 tape rolls of yellow colour and one motorcycle bearing no. PB-04X-6198 make HF Delux. During their

interrogation, they confessed that they were acquainted with Saudagar Singh Fauji and Gaurav, jail inmates and used to be telephonically in touch. Accomplices of Saudagar Singh, used to supply this narcotics etc and they used to supply them material by throwing across the wall of the jail, at the instance of Saudagar Singh and Gaurav. During interrogation of Saudgar Singh, he made confession that the material throws across the wall of the jail by Lakhveer Singh @ Kheeri and Gurpreet Singh @ Guni at night used to be collected by him. He, Gaurav and Sandeep Singh @ Sunny used to sell this material to other jail inmates at higher prices and received the payments from their relatives or the jail inmates themselves, through Aman Kumar (mobile no. 91157-03266, 95010-40419), Manoj Kumar (mobile no. 97815-72940), Harjeet Singh (mobile no. 99145-78748), who in turn, used to transfer this money to Santosh Deed Writer (93565-40007). Remaining amount he himself used to send to his maternal relations at village Virk Khera at mobile no. 98773-33238, which used to be drawn by his father Raj Singh. No doubt, the recovery allegedly effected from the accused Gurpreet Singh and Lakhveer Singh is very heavy to be ignored, but as far as applicant/ accused is concerned, he has been named by Saudgar Singh, who in turn was named by Gurpreet Singh and Lakhveer Singh. Applicant/accused is in custody since 15.07.2024 and is already on judicial remand, which means that his custodial interrogation is no more required. Presentation of challan and conclusion of trial will take a considerable time and no useful purpose will be served by detaining the applicant/accused behind the bar for an indefinite period, rather it will be a burden on State exchequer. Therefore, he is ordered to be released on bail with a liberty to the prosecution/ investigating agency that if any incriminating material is

found against him at any stage, they will be entitled to apply for cancellation of bail of applicant/ accused, if so warranted.

(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 is 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 prisoner and assist him in all possible ways for his release. If the accused prisoner is unable to furnish bonds or fulfill the conditions of bail within 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 forthwith. Bail application file along with this order be tagged with the remand papers.

PRONOUNCED IN OPEN COURT ON 21st August 2024

Kiran Bala (PB0147)
Judge, Special Court,
Faridkot

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Stenographer Gr-I

Present: Shri Karanvir Singh Advocate for applicant/accused.
Shri S. S. Gill, Additional Public Prosecutor for the State.

Police record produced. Reply not filed. Arguments heard.

Vide my separate detailed order of even date, bail application has been allowed, as detailed therein. Police record be returned forthwith. File of this bail application be tagged with the remand papers.

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Kiran Bala (PB0147)
Judge, Special Court,
Faridkot

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