

In the court of Rajwinder Kaur,
Addl.Sessions Judge (Fast Track Court, exclusively
dealing with rape cases) (**duty**)
Vacation Judge, Ferozepur

Case Type	Bail Application.
CIS No.	BA/1527/2023.
CNR No.	PBFZ010016822023.
Date of order	14-6-2023

Lakhwinder Singh aged 21 years son of Inderjit Singh, resident of
village Kale Ke Hithar, District Ferozepur.

.....Applicant-accused.

Versus

State of Punjab

.....Respondent.

**FIR No.156 dated 20-9-2022.
Under Section 21 of the NDPS Act.
Offence U/S 29 of this Act was added later on.
Police Station: Mallanwala.**

**Third application under Section 438(i) of the
Code of Criminal Procedure.**

Present: Sh. B S Dhaliwal, Advocate, counsel for applicant.
Sh. Rajiv Choudhary, Public Prosecutor for the State

ORDER

1. File is put up before me being officer on duty as the
concerned Presiding Officer is on summer vacation.

2 Apprehending his arrest, the applicant has filed the instant application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail. Remand papers are produced.

3. Learned counsel for the applicant has argued that this is the third anticipatory bail application filed on behalf of the applicant. First and the second bail applications were withdrawn from the court. He has further argued that false case is planted against the applicant and he is not named in the FIR. He has vehemently argued that applicant Lakhwinder Singh is nominated as an accused on the basis of disclosure statement suffered by accused Nishan Singh during custodial interrogation, which is inadmissible in the eyes of law and cannot be used against applicant Lakhwinder Singh. The alleged recovery has already been made from co-accused Nishan Singh and nothing is to be recovered from the applicant. The custodial interrogation of the applicant is not required and he is ready to join the investigation. Thus, the applicant may kindly be granted concession of pre-arrest bail.

3. On the other hand, Learned Public Prosecutor for the State hotly contested the application and argued that recovery of 50 grams Heroin was made from conscious possession of co-accused Nishan Singh on 20-9-2022. The applicant was nominated as an accused on the basis of

the statement of said accused and offence punishable under Section 29 of the said Act was added. In view of gravity and nature of the offence, he is not entitled to get the concession of anticipatory bail.

4. This Court has considered the rival contentions of the learned counsel for the applicant, learned Public Prosecutor for the State and perused the record. As per prosecution version, on 20-9-2022 co-accused Nishan Singh was apprehended by the police party on suspicion and recovery of 50 grams of Heron was made from his conscious possession. During interrogation, he suffered disclosure statement that the contraband was supplied by Lakhwinder Singh and thus Lakhwinder Singh was nominated as an accused vide DDR no.15 dated 22-9-2022. Lakhwinder Singh is also known as Arjan.

5. Recovery has already been made from the co-accused Nishan Singh, who has been granted regular bail vide order dated 24-11-2022. Keeping in view above detailed discussion, this court deems it appropriate to direct the applicant to join investigation. Thus, he is granted interim anticipatory bail with a direction to appear before the Investigating Officer and join the investigation within a period of **3 days** and in the event of his arrest, he be released on furnishing the personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the

Investigating Officer/Arresting Officer. This bail order is subject to the following conditions:

- I) That the applicant shall join the investigation as and when called by the Investigating Officer;
- II) 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 him/her from disclosing such facts to the Court or to any police officer;
- III) That the applicant shall not leave the country without prior permission of the court.

Now, to come up on 17-6-2023 for awaiting report of Investigating Officer.

Announced in open court.

Dated: 14-6-2023

(Parmjit Singh)
Stenographer-II

Sd/-
(Rajwinder Kaur)
Addl.Sessions Judge
(Fast Track Court, exclusively
dealing with rape cases)(duty)
Vacation Judge,
Ferozepur