

PBGD010030682025



Presented on : 02-04-2025
 Registered on : 02-04-2025
 Decided on : 07-04-2025
 Duration : 0 years, 0 months, 5 days

**IN THE COURT OF
 JUDGE SPECIAL COURT,
 AT ,Gurdaspur
 (Presided Over by Sh. Raman Goklaney)**

BA/1239/2025

Jobanpreet Kaur wife of Rajbalwinder Singh, resident of Village Dhandoi,
 Police Station Ghoman, Tehsil Batala, District Gurdaspur.

...Applicant/accused.

Versus

State of Punjab.

...Respondent.

**First Application for bail U/s 483 Bharatiya Nagarik Suraksha
 Sanhita, 2023 for grant of regular bail.**

FIR No.37 dated 20.03.2025
 Under Section 21 of NDPS act, 1985 and Section 29
 of NDPS Act, 1985 enhanced later on.
 Police Station : Ghoman

Present : Sh. Gurmail Singh Kahlon, Advocate Counsel for
 accused/applicant.
 Sh. Amit Aulakh, Additional Public Prosecutor for State.

O R D E R:-

1. Vide this order regular bail application filed by accused-
 applicant U/s 483 Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR
 No.37 dated 20.03.2025, 21 of NDPS act, 1985 and Section 29 of NDPS

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Act, 1985 enhanced later on, registered at Police Station Ghoman is being disposed of.

2. Facts necessary for disposal/consideration of the present bail application are that police party headed by ASI Sukhraj Singh were patrolling in the area falling in the jurisdiction of Police Station Ghoman and when the police party reached near T-point Village Dheera Ba Had Rakba Hassanpur, one hindu young man was seen coming on foot from the side of Village Dheera who upon seeing the police party got preplexed and after taking out polythene envelope from his pocket of pant tried to throw the same and on the basis of suspicion he was apprehended. It is the case of the investigation agency that 10 grams of heroin recovered from the suspect who disclosed his identity as Prabhjot Singh. It is the case of the prosecution that on the disclosure statement of Prabhjot Singh, the present accused/applicant has been nominated vide Rapat No. 20 dated 20.03.2025 and Section 29 of NDPS Act enhanced.

3. Sh. Gurmail Singh Kahlon, Advocate Ld. Counsel for accused/applicant submitted that accused-applicant has been falsely implicated in the present case and the alleged recovery is planted one. He further submitted that no recovery whatsoever has been effected from her. He next submitted that accused-applicant is in custody since 21.03.2025 and no useful purpose would be served by keeping the accused-applicant behind the bars. It is further submitted by the Ld. counsel for applicant-accused that accused/applicant is not convicted in case under NDPS act having permanent abode and would appear in the trial on each and every

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date of hearing. With these submissions it is prayed that bail application of applicant-accused may be allowed and she be granted concession of regular bail.

4. While countering the aforesaid submissions, Sh.Amit Aulakh learned, Additional Public Prosecutor for State submitted that releasing the applicant-accused on concession of regular bail would facilitate her to repeat the similar type of offence. He further submitted that accused/applicant is involved in one more FIR and has been nominated vide Rapat No. 20 dated 20.03.2025 in the present case. He further contended that there is sufficient material that applicant-accused in active connivance with the main accused from whom recovery of the contraband has been effected are operating in the trade of Narcotic and do not deserve the concession of regular bail.

5. After hearing the rival contentions of the parties and from the perusal of record, it emerges out that the accusation against the accused-applicant that he supplied the alleged recovered contraband to co-accused Prabhjot Singh. After nominating the present accused-applicant, she was arrested by the police on 21.03.2025 and undergone police remand. However, till date no incriminating material or any material so as to connect the accused-applicant with the recovery effected from accused has come on police file except the disclosure statement of co-accused Prabhjot Singh. The accused-applicant is in custody since 21.03.2025 and completion of investigation and conclusion of trial would likely to take long time. Accordingly, the present bail application is hereby allowed and

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accused-applicant is ordered to be released on bail on her furnishing bail bonds in the sum of Rs. 50000/- with one surety in the like amount subject to the following conditions:-:-

- i. That applicant-accused shall not indulge in any activity similar to the activities on the basis of which aforesaid criminal case stood registered against her for the offences under the NDPS Act.
- ii. That applicant-accused shall not undertake any action which is prejudicial to proceedings during the course of trial.
- iii. That applicant-accused shall attend all the dates during the trial unless prevented by any reasonable cause.
- iv. That applicant-accused neither personally nor through anyone make any attempt to influence the witnesses or tamper with the evidence.
- v. That applicant-accused shall not leave India without the prior permission of the Court.
- vi. The grant of bail is conditioned upon accused/applicant diligent participation in the trial. This includes, but is not limited to, the timely cross-examination of witnesses and adherence to the Court's schedule. Failure to comply with these conditions, including any deliberate delay in proceedings may result in the cancellation of bail and the accused/applicant would be sent to judicial custody.

6. However, it made clear that observations made herein above shall not be construed as an expression on the merits of the main case. Police record be returned and bail application be tagged with the remand papers.

Date of order:-07.04.2025

Himani, Stenographer G-II

(Raman Goklaney)
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