

**IN THE COURT OF SH. GURDARSHAN KAUR DHALIWAL,
JUDGE SPECIAL COURT,
(UID:PB0146)
FAZILKA.**

Bail application No.4394/2019

CIS No. BA-2073/2019

CNR No.PBFZC0-005609-2019

Date of Order: 13.11.2019

Sukhdev, aged about 41 years son of Sahab Ram, resident of village
Banwala Hanwanta, Tehsil and District Fazilka.

Applicant/accused

Versus

State of Punjab.

Respondent

FIR No.255 dated 23.10.2019

U/S 15/61/85 of NDPS Act,

P.S. Sadar Fazilka, District Fazilka.

Application for grant of bail under Section 438 Cr.P.C.

Present: Sh. MPS Bishnoi, Advocate for applicant/accused.
Sh. Yogesh Kasrija, Addl. PP for the State/respondent.

ORDER

1. This order of mine shall dispose of bail application under Section 438 of Cr.P.C. moved by applicant/accused ***Sukhdev*** in the above mentioned FIR.

2. Notice of the bail application was given to the State and the bail application has been opposed by learned Addl. PP for the State. Police record perused.

3. Learned counsel for applicant/accused has contended that the applicant/accused has not committed any offence as alleged in the FIR. Moreover, as per version of the FIR no offence as alleged in the FIR is made out against the applicant/accused. The alleged recovery has no concern with the applicant/accused and that too has already been effected, so custodial interrogation not required in the present case and accused is ready to join the investigation. He is having apprehension in his mind that he shall be arrested by the police. So, he be granted anticipatory bail in this case.

4. On the other hand learned Addl. PP for the State has vehemently opposed the bail application on the ground of gravity of offence.

5. I have heard learned counsel for the applicant/accused, learned Addl. PP for the State and have gone through the police file very carefully.

6. A careful perusal of the file goes to show that the above-noted FIR against the applicant/accused was registered on the basis of secret information by the IO of this case. As per prosecution version,

the IO alongwith HC Gurcharan Singh, no.78/FZK and other police officials on a private vehicle, in connection with patrolling and checking of bad elements, was present at village Jatt Wali, secret information was received to the effect that Bohar Singh son of Sher Singh, resident of village Theh Qalandar and Sukhdev Kumar son of Sahab Ram, resident of village Banwala Hanwanta (applicant/accused) are in the habit of selling Poppy Husk and at that time also they alongwith Poppy Husk were coming on motorcycle from village Ghariani and if raid be conducted, they can be apprehended in possession of Poppy Husk. Considering the information to be credible, IO sent ruqa to the police station for the purpose of registration of FIR against him under NDPS Act and thereafter alongwith police officials, he proceeded towards the place of disclosed through the secret information where he effected the recovery of 10 Kg. Poppy Husk, applicant/accused Sukhdev managed to abscond.

7. After hearing both the sides, I find that there is no merit in the anticipatory bail application file by the applicant/accused **Sukhdev** as he has been alleged to have fled away from the spot when investigating officer indulged in the search proceedings. Recovery of 5 Kg. Poppy Husk has been effected from the spot. In my view, the custodial interrogation of the applicant/accused is necessary. The antecedents and sources thereof from the applicant/accused are to be verified by the investigating agency and as such keeping in view the facts and circumstances of the case and also keeping in view that the offence involved in the case is an offence against the society at large, I

do not deem it a fit case where applicant/accused ***Sukhdev*** should be extended the concession of anticipatory bail and therefore, the present bail application filed by the applicant/accused ***Sukhdev*** is hereby ordered to be dismissed being without any merits. Bail application file be attached with the remand papers.

Pronounced in open Court.

Dated: 13.11.2019

Deepak Kumar

Stenographer Gr.II

Sd/-

(Gurdarshan Kaur Dhaliwal)

Judge, Special Court

Fazilka, UID No.PB-0146

Sukhdev Vs. State of Punjab
BA-2073/2019

Present: Sh. MPS Bishnoi, Advocate for applicant/accused.
Sh. Yogesh Kasrija, Addl. PP for the State/respondent.

Police record produced. Arguments heard. Vide my separate detailed order of even date, present bail application has been dismissed. Police record be returned. Bail application be attached with the remand papers.

Pronounced in open Court.

Dated: 13.11.2019

Deepak Kumar

Stenographer Gr.II

Sd/-

(Gurdarshan Kaur Dhaliwal)

Judge, Special Court

Fazilka, UID No.PB-0146