

**In the Court of Raman Kumar, Judge, Special Court,
Kapurthala. UID:PB0183.**

CNR No. PBKP010053852021



Case No. BA/2228/2021

Presented on : 29-10-2021

Registered on : 29-10-2021

Decided on : 09-11-2021

Jaswinder Singh @ Shinda aged about 38 years son of Gurdeep Singh,
resident of village Channa Sher Singh, PS Talwandi Chaudharian, District
Kapurthala.

.....Applicant/accused.

Versus

State of Punjab

.....Respondent

FIR No.116 dated 10.10.2021.
U/s 22-61-85 of NDPS Act.
P.S.Talwandi Chaudharian,
District Kapurthala.

.....

(Applicaiton for bail under Section 439 Cr.P.C.)

Present: Sh.Harpreet Singh,Adv.,counsel for the applicant/ accsued.
Ms. Meetu Sheanhmar, Addl. PP for the State/respondent.

ORDER

Heard on the application for bail filed by the applicant-accused.

Notice of the bail application was given to the State and police record was
also called.

It is submitted by counsel for applicant/accused that the police has registered a false case against the applicant/accused. Applicant/accused has not committed any alleged offence. Applicant/accused is in custody since 10.10.2021. The applicant/accused is married person and having two minor children, who are fully dependent upon him. Alleged recovery of 220 intoxicant tablets from the applicant/accused was effected. Section 37 of NDPS Act does not bar to grant bail to the applicant/accused. The mandatory provisions of NDPS Act have not been complied with by the prosecution. Presentation of challan and conclusion of trial will take a long time as such no purpose will be served by keeping the applicant/accused behind the bars. It is further submitted by counsel for the applicant/accused that separate application has also been filed for interim bail and in the absence of FSL report at this stage benefit of interim bail may be granted.

On the other hand the ld. Additional PP for the State, has contested the instant bail application by advancing arguments. She submitted that considering the nature and gravity of offence, the applicant/accused is not entitled for interim bail.

As per version of prosecution, in the present case applicant/accused has been arrested on 10.10.2021 and from him 220 intoxicant tablets were recovered. Ld. APP for the State has brought to my notice that FSL report has not been received yet. She also submitted that there is no certain time to receive the chemical report from FSL. In these circumstances it can not be said as to how much time it will take in receiving the report of chemical examiner. In view of the law laid-down in **“Inderjit Singh @ Ladi Versus State of Punjab, 2014 (3)**

RCR (Criminal) 953 (DB)”, applicant/accused is given the benefit of interim bail till the receipt of report of chemical examiner and ordered to be released on **interim bail** on furnishing bail bonds in the sum of **Rs.75,000/-** with one surety in the like amount, with an undertaking that if on receipt of report of chemical examiner the contents of the intoxicant tablets involved in this case makes the contraband in the category of commercial quantity, as per the provisions of NDPS Act, then the applicant-accused will have to appear/surrender before the court. Thus, this is conditional order of interim bail and on finding the recovered intoxicant tablets falling in the category of commercial quantity on receipt of report of FSL, the benefit of present interim bail shall be deemed to have been automatically cancelled.

Accused from the jail shall only be released after complying with the administrative instructions/guidelines issued in view of the outbreak of Covid-19, including maintaining of social distance and preventing community transmission. Present bail application stands disposed of accordingly. Nothing observed above shall have any effect on merit of the case. Police record be returned to the concerned quarter. File of this bail application be tagged with main file/remand papers.

Pronounced in open Court.
Dated:09.11.2021.

(Jhion)

(Raman Kumar)
Judge, Special Court,
Kapurthala.(UID-PB0183)