

Harwinder Singh @ Phooli Vs State of Punjab

**IN THE COURT OF MS. RANA KANWARDEEP KAUR CHAHAL,
JUDGE, SPECIAL COURT, KAPURTHALA (UID NO.PB00223)**

CNR No. PBKP010051862024



Case No. BA/2128/2024

Presented on : 16-10-2024
Registered on : 16-10-2024
Decided on : 25-10-2024

Harwinder Singh @ Phooli, s/o Mangal Singh, aged about 26 years, r/o Village Latianwala, PO Mothanwal, PS Sultanpur Lodhi, District Kapurthala.

....Applicant/accused

Versus

State of Punjab

.....Respondent.

FIR No.155 of 20.08.2024,
U/S 22/61/85 NDPS Act,
Police Station Sultanpur Lodhi, District Kapurthala.

[Application for Bail U/s 483 of BNSS.]

Present: Shri Surinder Kumar, Advocate for applicant/accused.
Sh.APS Dhillon, Addl.P.P. for the State.

ORDER:-

1. Applicant/accused named above has filed this bail application under Section 483 of BNSS in a case FIR No.155 of 20.08.2024, under section 22/61/85 NDPS Act, registered at Police Station Sultanpur Lodhi, District Kpaurthala.
2. Upon notice, Sh.APS Dhillon, Additional Public Prosecutor appeared on behalf of State.

Rana Kanwardeep Kaur Chahal,
Judge, Special Court, Kapurthala.
Dated 25.10.2024

3. Further, ASI Jarnail Singh had appeared and suffered a statement that as per the record, no bail application under provisions of Section 438 Cr.P.C. or 439 Cr.P.C./ 482 BNSS or 483 BNSS has been filed before the Hon'ble High Court or decided by it or by any other Superior Court against the present applicant/ accused in the present case. He has further stated that 250 intoxicant capsules were recovered from the applicant/ accused. He is in custody since 20.08.2024. Report of FSL is still awaited. Moreover, three more FIR's were registered against the accused, as per list, placed on record by him.

4. **I have heard the Ld. Counsel for the applicant/accused and Learned Addl.P.P. for the State and have also gone through the record.**

5. There are allegations of recovery of 250 intoxicant capsules from the applicant/ accused Harwinder Singh @ Phooli on 20.08.2024, in the area of Mata Rani Mandir, Kacha Rasta, Village Mothanwal, Police Station Sultanpur Lodhi, District Kapurthala. One more FIR under NDPS Act is found registered against him bearing FIR No.229 of 04.09.2022, under sections 21, 22, 25, 27A, 29 NDPS Act, Police Station Sultanpur Lodhi, wherein commercial quantity of contraband i.e. 01 Kg of Heroin and intoxicant tablets etc. were recovered. Further, two more FIR's of IPC are also found registered against him.

6. The contention raised by the applicant/accused that he has been falsely implicated, is a matter of evidence and the same shall be

appreciated during the course of trial. At this stage, giving an opinion regarding the false implication will amount to jumping on an early conclusion without any appreciation of evidence. Though report of FSL has not received qua said recovered intoxicant capsules, but the previous record of applicant / accused is not above board, as commercial quantity of contraband i.e. 01 Kg of Heroin etc. were recovered in aforesaid FIR No.229 of 04.09.2022, as discussed above. So, this court is of opinion that the present applicant/accused is not entitled for the concession of bail. Therefore, taking into consideration of gravity of offence, the accused may flee from the process of court and without expressing any opinion on the merits of the case as well as taking into consideration the aforesaid facts and circumstances, the bail application is, hereby, **dismissed**. Police record be returned. Record of this bail application be tagged with the concerned file of present FIR.

Pronounced on:
Dated:25.10.2024

Kaushal Kumar

(Rana Kanwardeep Kaur Chahal)
Judge, Special Court, Kapurthala
(UID No. PB00223).

Rana Kanwardeep Kaur Chahal,
Judge, Special Court, Kapurthala.
Dated 25.10.2024

CIS No.	BA/2128/2024
CNR No.	PBKP010051862024

Present: Shri Surinder Kumar, Advocate for applicant/accused.
Sh.APS Dhillon, Addl.P.P. for the State.

Arguments heard. Vide my separate detailed order of even date, the bail application filed by applicant/accused has been **dismissed**. Police record be returned. Record of this bail application be tagged with the concerned file of present FIR.

Pronounced on:

Dated:25.10.2024

Kaushal Kumar

(Rana Kanwardeep Kaur Chahal)
Judge, Special Court,Kapurthala
(UID No. PB00223)

Rana Kanwardeep Kaur Chahal,
Judge, Special Court, Kapurthala.
Dated 25.10.2024