

**IN THE COURT OF JASWINDER SINGH,
 JUDGE, SPECIAL COURT, GURDASPUR**

**Bail Appl. No.512/06.07.2021
 CIS No.BA/2130/2021
 CNR No. PBGD01-004346-2021
 Date of Decision: 16/07/2021**

Surjit Singh alias Kala, aged about 41 years son of Nanak Chand, resident of village Aima, Tehsil Batala, District Gurdaspur.

.....Petitioner.

Vs.

State of Punjab

.....Respondent

FIR No.124 Dated 02/09/2019
 U/Ss 22 and 29 of NDPS Act
 Police Station:- Sadar Batala.

First bail application under Section 439 Cr.P.C.

Present: Sh. Rajinder Kumar, Advocate, counsel for petitioner(through video conference).
 Sh. Kiran Kumar, Addl. P. P. for State(through video conference).

ORDER

1. This order of mine shall dispose of above mentioned bail application moved by petitioner under Section 439 Cr.P.C.

2. The case of the prosecution is that on 02/09/2019, at about 07.10 PM, in the area of T-Point, village Mulianwal, 1200 intoxicating capsules RIDLEY were recovered from petitioner. Petitioner was arrested.

Thereafter, petitioner moved an application seeking bail and vide order dated 24/10/2019 passed by the court of Sh. K. K. Singla, the then learned Judge, Special Court, Gurdaspur, the petitioner was admitted to interim bail as the report of FSL was not

received at that time. Thereafter, challan was presented in the Court alongwith the report of FSL. As the quantity of the contraband allegedly recovered from the petitioner was of commercial in nature, petitioner was ordered to be take into custody vide order dated 01/10/2020 passed by the court of Sh. K. K. Singla, the then learned Judge, Special Court, Gurdaspur.

3. Upon notice, learned Additional P. P. put in appearance and contested the bail application.

4. It is submitted by learned counsel for petitioner that the petitioner is innocent and has been falsely implicated in this case. Petitioner is having five children. Out of them, four are girls and one is boy and only one daughter of petitioner is married. The other four children are minors. The wife of petitioner is bed ridden due to back bone problem. She is suffering from cancer and getting regular medical treatment. Petitioner is the only bread earner of his family. Petitioner is in custody since 19/10/2020. Conclusion of trial shall take sufficient long time because the courts are working restrictively due to the situation arising out of outbreak of coronavirus.

5. On the other hand, learned Additional Public Prosecutor submitted that keeping in view the fact that the quantity of contraband allegedly recovered from the petitioner falls in the category of commercial quantity, the present bail application may be dismissed.

6. I have considered the contentions of learned counsel for petitioner as well as Ld. Addl. Public Prosecutor and also perused the record.

7. The petitioner was initially arrested on 02/09/2019 but thereafter, he was admitted to interim bail as the report of FSL was not received at that time. After the report of FSL, petitioner was again taken into custody on 01/10/2020 as the quantity of contraband recovered from him was found to be commercial quantity. Keeping in view the quantity of contraband recovered from the petitioner and the bar contained under Section 37 of the N.D.P.S. Act, this court is of the opinion that he is not entitled to the benefit of regular bail. Hence, present bail application is hereby dismissed. Record of bail application be attached with the main file.

Pronounced
Dated:16/07/2021.
Rajiv Sharma,Stenographer-I

(Jaswinder Singh)
Judge, Special Court,
Gurdaspur(UID No. PB0516).

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Surjit Singh Vs State

Present: Sh. Rajinder Kumar, Advocate, counsel for
petitioner(through video conference).
Sh. Kiran Kumar, Addl. P. P. for State(through video
conference).

Today, learned counsel for petitioner moved an
application for correction of date of FIR in the head note of bail
application. In the application, it is submitted that the correct date of
FIR is 02/09/2019 but inadvertently, at the time of filing of present
bail application, the date of FIR has been mentioned as 02/09/2020 in
the head note of bail application, as such, the same is liable to be
corrected.

2 Heard. In view of the aforesaid submissions, necessary
correction in the head note of present bail application is hereby
allowed. Reader is directed to make necessary correction in the head
note of bail application immediately.

3. Arguments heard. Vide my separate detailed order of even
date, present bail application has been dismissed. Record of bail
application be attached with the main file.

Pronounced
Dated:16/07/2021.
Rajiv Sharma, Stenographer-I

(Jaswinder Singh)
Judge, Special Court,
Gurdaspur(UID No. PB0516).