

Lovepreet Singh @ Mangu versus State of Punjab

PBGD010086902024



Presented on : 24-10-2024
Registered on : 24-10-2024
Decided on : 05-11-2024
Duration : 0 years, 0 months, 12 days

**IN THE COURT OF
ADDITIONAL SESSIONS JUDGE,
At Gurdaspur.
(Presided Over by Sh. Raman Goklaney)**

Lovepreet Singh @ Mangu son of Jasbir Singh resident of Village Chung PS
Mehta, District Amritsar.

... Applicant/accused

versus

State of Punjab

.....Respondent.

**First applicaiton for bail 483 Bharatiya Nagarik Suraksha Sanhita,
2023 for grant of regular bail.**

FIR No.134 dated 09.10.2024.
Under Sections: 21 of NDPS Act.
Police Station: Ghuman.

Present : Sh. Jugraj Singh, Advocate, for accused-applicant.
Sh.Bikramjit Singh, Additional Public Prosecutor for State.

ORDER :

This order shall dispose of regular bail applicaiton preferred
under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed by
accused-applicant in case FIR No. 134 dated 09.10.2024, under Sections 21
of NDPS Act, registered at Police station Ghuman, Police District Batala,
District Gurdaspur.

Raman Goklaney,
Addl. Sessions Judge, Gurdaspur.
Dated 05.11.2024.

2. The facts, in brief, necessary for disposal/consideration of the present bail application are that accused-applicant was found in possession of 4.5 grams of Heroin by the police patrolling party in the area falling under the jurisdiction of PS Ghuman on 09.10.2024 . Remand papers, are pending before the court of jurisdictional Magistrate, Baala and accused-applicant initially approached the Court of learned JMIC, Batala, who vide order dated 21.10.2024 dismissed the regular bail application of the accused-applicant and now, accused-applicant approached this court for grant of concession of regular bail.

3. ASI Bhupinder Singh No. 1915 PS Ghuman appeared along with record and suffered statement that accused-applicant arrested in the present case on 09.10.2024. There is only one accused in the present FIR and section 29 of NDPS Act has not been added in the present case. Accused-applicant involve in one more case under NDPS Act and he is on bail in that case.

4. Learned counsel for the accused-applicant moved an application for deleting the section 29 of NDPS Act in the head note of the bail application as inadvertently section 29 of NDPS Act has been mentioned in the head note of the bail application. The said application is formal in nature and is hereby allowed. Amended title being taken on record.

5. Sh. J.S.Wahla, Advocate, learned proxy Advocate for Sh. Gurpreet Singh Maanpuria Advocate for accused-applicant submitted that accused-applicant is in custody since 09.10.2024 and the quantity allegedly recovered from him falls under small quantity and it is submitted by learned

counsel that in the present case the provision of NDPS Act has been violated and accused-applicant has been falsely implicated. Learned counsel next submitted that presentment of challan and conclusion of trial would take considerable long time and accordingly, he prayed for grant of concession of regular bail.

6. Per contra, Sh.Bikramjit Singh, learned Additional Public Prosecutor for State opposed the bail application on the ground that accused-applicant is involved in one more case under NDPS Act besides three other cases.

7. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that recovery allegedly effected from accused-applicant is 4.5 grams of Heroin which falls under small quantity and accused-applicant is in custody since 09.10.2024. Rigors of section 37 of NDPS Act would not be applicable in the present case and the parameter as applicable to the bail under regular statutes would be applicable. Presentment of challan and conclusion of trial would take considerable long time and keeping the accused-applicant behind bars for indefinite period would not serve any purpose. The offence is triable by the Court of Magistrate. As such, the instant application for regular bail filed by applicant/accused is hereby allowed and accused-applicant is admitted to bail subject to the satisfaction of Illaqa/Duty Magistrate 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 him for the offences under the NDPS Act.

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- 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. It is to clear that in case there is any recurrence /repetition on the part of the applicant involving him similar nature of offence, then the state would be at liberty to move an application for recalling/ cancelling this order granting bail.
- vii. The grant of bail is conditioned upon accused/applicant's 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.

8. However, it is 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 file consigned to the record room.

Date of order:- 05.11.2024

Iqbal Singh, Stenographer-I

(Raman Goklaney)
UID No PB-0687
JUDGE SPECIAL COURT,
Gurdaspur.