

Seema @ Rajji etc. Vs. State of Punjab BA No. 376 of 2022.
(CNR No.PBHO01-0012742022).

‘Application U/s 439 Cr.P. C for Regular Bail’.

Present: Shri RS Abhi, Counsel for applicant-accused.
Addl. Public prosecutor for the State.

ORDER:

Applicants Seema @ Rajji and Surraj @ shanky are seeking bail in
FIR No. 31 dated 08.02.2022, under Section 22-/961-85 of ND&PS Act Police
Station Tanda, Hoshiarpur.

2. Upon notice, application is opposed by Learned Public prosecutor for
the State on the ground that allegations against accused are serious and he cannot be
granted bail because the offence is heinous in nature. So, he has prayed that
application be dismissed.

3. Version of prosecution in brief is that on 08.02.2022 ASI Iqbal
Singh, L/ct Amandeep Kaur were going towards Ahiapur from Civil Hospital
chowk, then a secret informer gave information that Sheero W/o Sooraj R/o
Ahiapur who was on bail for some days and come house before some days, she sell
heroin with her family. If raid is conducted she could be apprehended with
intoxicant substance. On that information ASI Iqbal Singh along with other police
officials reached at her house, on reached her house a lady along with a youngmen
were sitting on “vehra” . On seeing police they became perplexed and thrown a
polythene envelop down from “manja”. ASI along with other police officials asked
about identity of lady who disclosed her name as Seema @ Rajji W/o Kulwinder
Ram R/o Ahiapur Ps Tanda Distt. Hoshiarpur and the second person disclosed his
name as Sooraj @ Shanky S/o Paramjit Singh R/o Ahiapur PS Tanda Distt.
Hoshiarpur. ASI asked the accused about heroin and Soraj @ Shanky told the

accused that this is heroin supplied by her wife Sheero to customers. ASI told the accused that you both have legal right to get conduct search of yourself and polythene envelop from some gazetted officer or magistrate. On search of polythene envelop thrown by accused 'heroin' which was supplied by Sheero W/o Sooraj was recovered which on weightment came to be 12 gms. Other formalities were also completed and accordingly case was registered against the accused under Section 22-61-85 of NDPS and accused was arrested.

4. Learned Counsel for applicant-accused has argued that applicant is innocent and has been falsely implicated. Mandatory provisions of law have not been complied with. It is stated by ASI Maninder Kaur that he has verified that this is the first application of bail of Seema and Suraj and no such bail application is either filed or pending in court of parallel jurisdiction or any other court or Hon'ble High Court. There is no case is pending or decided against accused. 12 gms heroin was recovered from Suraj and Seema.

The presentation of challan is to take time. No useful purpose will be served by keeping the applicant-accused in custody, rather it will be burden on the State Exchequer. Without commenting on the merits of the case, the applicant-accused Seema and Suraj are ordered to be released on regular bail subject to her furnishing personal bail bonds in the sum of Rs.50,000/- each with one surety in the like amount before Trial/Duty Judge, subject to the conditions that he will appear in the court on each and every date of hearing, will not tamper with the prosecution evidence and will not leave India without prior permission of this court. Bail application stands disposed of accordingly. Papers be attached with remand papers.

Announced in open Court:
Dated:04th March 2022.
(Vandana-Steno-III)'

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PBO-0057).