

**IN THE COURT OF SH. GURMOHAN SINGH,
JUDGE, SPECIAL COURT,
FEROZEPUR (UID NO.PB-0573)**

Bail Application No.498 of 4-5-2021.

CIS No.898/2021

CNR No.PBFZ010037142021

Date of Order: 13-05-2021

Sunil aged 32 years son of Yusaf, resident of Ward No.1, Basti Chamb, Chamb (Makhu), Tehsil Zira, District Ferozepur.

-----Applicant/accused.

Application for bail under section 438(i) Cr.P.C

Present: Sh. HS Virk, counsel for the accused/applicant.

Sh.APS Brar, Additional Public Prosecutor for State.

ORDER

1. The present bail application has been filed by applicant/accused Sunil, under section 438(i) Cr.P.C, in FIR No.31 dated 20-4-2021 under Sections 21/29/61/85 of NDPS Act, registered at Police Station Mallanwala.

2. Upon notice, learned Additional Public Prosecutor appeared on behalf of the State and contested the bail application. Record has been produced.

3. The learned counsel for the applicant/accused submits that totally false and baseless allegations has been levelled against the applicant/accused. Further submits that no offence is made out against the present applicant/accused as there was no secret information against the applicant/accused with the IO. Further submits that the name of the applicant/accused is figured out during the interrogation and disclosure statement of co-accused Amardeep Singh @ Gurjant Singh. Further submits that nothing is to be got recovered from the present applicant/accused. The learned counsel further submits that the applicant/accused is ready to join the investigation and thus prays that the present bail application be allowed.

4. On the other hand, the learned Additional Public Prosecutor for the State submits that the present FIR has been registered on the basis of secret information received by IO against accused Harpreet Singh and Waris. Further submits that on the basis of secret information, a naka has been laid by the IO and one car Indica bearing no.PB-65N/4409 has been signaled to stop. Further submits that the driver of the car namely Harpreet Singh on seeing the police party throw one packet and when the accused has been apprehended, then on search of the said packet, 170 grams of Heroin has been recovered. Further submits that on search of the

car, Rs.40000/- as drug money and one computer scale has been got recovered. The learned Additional Public Prosecutor further submits that during interrogation accused Harpreet Singh disclosed the name of accused Amardeep Singh @ Gurjant Singh and Raj Singh son of Foja Singh being the persons who are also involved in the said illegal activities. Further submits that vide rapat no.33 dated 21-4-2021, both accused Amardeep Singh @ Gurjant Singh and Raj Singh has been arrayed as an accused and offence under section 29 of the Act has been enhanced. Further submits that on the same day accused Amardeep Singh @ Gurjant Singh and Raj Singh has been arrested and one Alto car along with two mobile phones of Oppo and one mobile phone of Samsung has been recovered. Further submits that on 22-4-2021 during interrogation of accused Amardeep Singh @ Gurjant Singh, name of accused Jagtar Singh and Sunil has came into picture and during interrogation of accused Raj Singh name of accused Paramjit Singh has came into picture. Further submits that all the said persons has been impleaded as an accused vide rapat no. 16 dated 22-4-2021 and thereafter on 22-4-2021 on the basis of secret information, IO of the case arrested accused Jagtar Singh and on his disclosure statement, 200 grams of Heroin from Almirah of his house and Rs.2,07000/- drug money along with computer scale and one spoon

has been recovered. Further submits that during interrogation of accused Amardeep Singh @ Gurjant Singh on 23-4-2021 name of accused Ranjit Singh came into picture and during interrogation of accused Raj Singh name of accused Balwinder Singh came into picture. Both these accused has been impleaded as an accused vide rapat no.22 dated 23-4-2021. Further submits that on 26-4-2021 during interrogation accused Raj Singh disclosed the name of accused Foja Singh and vide rapat no.22 dated 26-4-2021 accused Foja Singh has been impleaded as an accused. The learned Additional Public Prosecutor submits that all the accused persons are in nexus and is involved in the illegal business of selling and purchasing narcotics/drugs in the area. Further submits that the applicant/accused has been specifically named during interrogation of other co-accused persons and source of narcotics is yet to be discovered. The learned Additional Public Prosecutor on the instructions of the IO further submits that there is no other case pending against the applicant/accused and thus prays that the applicant/accused does not deserve the concession of bail.

6. After hearing learned counsel for the accused/applicant, learned Additional Public Prosecutor for State and perusal of the record, it reflects that the present FIR has been registered on the secret information

received by IO against accused Harpreet Singh and Waris. The said accused persons has been arrested and 170 grams of Heroin along with Rs.40000/- drug money and one computer scale has been recovered. Thereafter, on their interrogation, the said accused persons named other accused namely Amardeep Singh @ Gurjant Singh and Raj Singh and both these accused persons were arrested. Further the record reflects that during interrogation of accused Amardeep Singh @ Gurjant Singh name of the present applicant/accused along with Jagtar Singh came into picture and vide rapat no.16 dated 22-4-2021 accused Jagtar Singh, Paramjit Singh and the present applicant/accused Sunil has been arrayed as an accused. It is the case of the prosecution that the applicant/accused along with other accused persons is involved in the present case regarding illegal business of narcotics. Further role attributed to the applicant/accused is a matter of evidence to be proved at the time of trial. Accordingly, without commenting anything on the merits of the case and considering the fact that there was no specific secret information against the present applicant/accused and further his name has figured out during interrogation of co-accused, this court is of the considered opinion that it is a fit case where the applicant/accused is entitled for interim relief. Accordingly, the applicant/accused is directed to join the investigation

before Investigating Officer/SHO on 19-05-2021 at 11-00 am and in the event of his arrest, he shall be admitted to the interim bail to the satisfaction of the investigation officer, with the following conditions :-

- (i) the applicant shall make himself available as and when required by the Investigating Officer
- (ii) the applicant shall not induce/threat any of the prosecution witness or tamper with the evidence in any manner,
- (iii) the applicant shall not leave India without prior permission of the trial court.

7. The Investigating Officer is directed to submit his report on 24-05-2021.

Date of Order: 13-05-2021.

sd/-

‘Parmjit Singh’
Stenographer Grade-II

(Gurmohan Singh)
Judge, Special Court,
Ferozepur (UID No.PB-0573)