

**IN THE COURT OF SUMIT GHAI,
JUDGE, SPECIAL COURT, AMRITSAR.
(UID No.PB0173)**

CNR No.
PBAS010097402023



Case No. BA/3219/2023

Presented on : 02-06-2023

Registered on : 03-06-2023

Decided on : 21.06.2023

Daljit Singh @ Jagga son of Pal Singh, resident of Ward No.2, Majitha,
Amritsar.

Applicant/accused.

Versus

State of Punjab

Respondent.

Case F.I.R. No. : 0084 dated 10.05.2023
Under Section : 21/29/61/85 of NDPS Act
Police Station : Majitha, Amritsar

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

Present: Sh. Lakhanpal Singh Sarli, Advocate for the applicant.
Sh. N.K.Gupta, Additional P.P. for the State.

ORDER

1. Vide this order, I shall dispose of first regular bail application under Section 439 Cr.PC filed by applicant Daljit Singh @ Jagga, through, his counsel.

2. Notice of the application was given to the State through learned APP, who has contested the bail application and record has been produced.

3. Learned counsel for the applicant has submitted that the applicant-accused is innocent and has been falsely implicated in the present case. No recovery has been effected from the possession of the applicant-accused and the alleged recovery has already been effected from co-accused, which is planted one, which falls under non commercial quantity. That the applicant/accused is in custody since 10.05.2023 and he is no longer required for further investigation. The presentation of challan and conclusion of trial will take a long time. No useful purpose would be served by keeping the applicant behind the bars. With these submissions, the learned counsel for the applicant has prayed that the present bail application may be allowed, at the same time a prayer for grant of interim bail till the receipt of FSL report is made in view of the settled law.

4. Notice of the bail application was given to the learned Addl. P.P. for the State, who put his appearance and opposed the bail application.

5. I have heard the rival submissions of both the sides and have carefully perused the record with their able assistance.

6. As per the allegations of the FIR on 10.05.2023, police patrolling party apprehended two persons near village Hariya, who on seeing the police party, in suspicious circumstances, abruptly entered into one Innova vehicle. The person who was sitting on the seat of driver tried to throw one black colored polythene pouch, upon which, SI Rachhpal Singh apprehended the said person with with the help of his police party and the person sitting by the side of driver seat was apprehended by Constable Gursewak Singh. The person who was sitting on the driver seat disclosed his

name as Sukhdev Singh @ Jeji s/o Gurmeet Singh, r/o Gallewali and on checking the polythene pouch carried by him, 07 grams Heroin was recovered. The person who was apprehended by Constable Gursewak Singh disclosed his name as Daljit Singh @ Jagga, aforesaid. It was further alleged that although no incriminating substance was recovered from the other person namely Daljit Singh but both of them confessed their involvement in the supply of drugs in the area.

7. In this case, the quantity of recovered Heroin from the possession of applicant/accused falls under the category of non-commercial. Both the said persons/accused have been in custody since 10.05.2023. Recovery has already been effected. FSL report is awaited. There is no record of any other criminal case, so far as the said accused are concerned. The criminal liability of the applicant-accused will be ascertained only after conclusion of trial. Presentation of challan and thereafter conclusion of trial shall take considerable long time and no useful purpose would be served by detaining the applicant-accused behind the bars for indefinite period.

8. Therefore, in view of the above discussion, since the conclusion of trial will take its own time, no useful purpose would be served by detaining the accused/applicant in custody for indefinite period, rather it will be unnecessary burden on the State Exchequer. Accordingly, the bail application is allowed and the accused/applicant is admitted to bail on his furnishing bail bonds in the sum of ₹.50,000/- (Rupees Fifty Thousand only) with one surety in the like amount, subject to the satisfaction of Illaqa/Duty Magistrate on the following conditions:-

- 1- That he shall not directly, or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer.
- 2- That he shall not leave the country without prior permission of the court.
- 3- That he shall appear before the Court on each and every date.

However, none of my observations made herein before shall have any bearing on the merits of the case. The present bail application stands disposed of accordingly. Police record be returned. Bail papers be tagged with the remand papers.

Pronounced in the open Court.
Dated : 21.06.2023

Naresh Kumar, Stenographer Gr-I.

(Sumit Ghai)
Judge, Special Court,
Amritsar.
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