

Varinder Singh Versus State-BA-1897-2019.
(CNR No.PBHO01-007916-2019).

‘Application for Regular Bail’.

Present: Shri S.R Dhir, Counsel for applicant-accused.
Shri Satnam Singh, Additional PP for the State.

ORDER:

Applicant Varinder Singh is seeking interim bail in FIR No.202 dated 13.7.2019, under Section 22-61-85 of ND&PS Act, pertaining to Police Station Model Town, Hoshiarpur.

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

3. In brief, the case of prosecution is that on 13.7.2019, ASI Dharam Pal alongwith other police officials were on patrolling duty in the area of Purhiran in a

Government vehicle where Incharge CIA Staff informed that ASI Rajwinder Singh has apprehended Sarbjit Singh @ Soni and one other person in a Car Indigo bearing registration No.PB-07AD-3369 of white colour near Singriwala Bye-pass. ASI Dharam Pal reached the spot and enquired from the person apprehended by the police who disclosed their names as Varinder Singh @ Vicky and Sarbjit Singh @ Soni. They were apprised of their legal right but they did not repose faith in the ASI. Then Prem Singh DSP Narcotic Cell was called who reached the spot. Inspector Gobinder Kumar from CIA Staff, Hoshiarpur also reached there and after complying the provisions of law and from their personal search, 30 gram and 120 gram Heroin was recovered from accused Varinder Singh @ Vicky and Sarbjit Singh @ Soni. Accordingly, FIR was registered and accused were arrested.

4. Sample has been sent to the Chemical Examiner but the chemical examiner report has not been received as yet. In the absence of report of chemical examiner, it cannot be ascertained as to whether the recovery of contraband effected from the accused falls under commercial quantity or below quantity as per schedule attached to ND&PS Act. The applicant is in custody since 13.7.2019 and the receipt of chemical examiner report and presentation of challan may 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 Varinder Singh is ordered to be released on interim bail subject to his furnishing personal bail bonds in the sum of Rs.50,000/- with one surety in the like amount 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. The SHO concerned is directed to forward the Chemical Examiner report to the court immediately on receipt of the same and accused shall surrender before the court within one week of the receipt of chemical examiner report for further proceedings, as per law. Papers be attached with the remand papers.