

BA -1912/2021
Jasvir Singh @ Bagga vs. State

FIR No.64 Dated 16.05.2021.
U/s 22/61,85 of NDPS Act.
Police Station: City Dhuri, District Sangrur.

Application u/s 439 Cr. P.C. for grant of bail

Present:- Shri Mahesh Kumar Satija Advocate, counsel for the
applicant.
Shri Gaurav Kohli, Additional PP for the State.

O R D E R :

1. File put up before the undersigned being Vacation Judge.
2. This order shall dispose of the application moved by applicant-accused **Jasvir Singh @ Bagga son of Gursewak Singh @ Pataka, resident of village Bhaini Mehraj, District Barnala, Now confined in District Jail Sangrur** for releasing him on regular bail in the above said case.
3. Notice of the bail application was given to State. The learned Additional PP for the State, made appearance on behalf of the State and got produced the record.
4. I have heard the learned Counsel for applicant, Additional PP for the State and also perused the record.
5. It is submitted by the applicant as well as argued by his counsel that the applicant is a peace loving and law abiding citizen of India. The applicant has not committed any offence at all as alleged in the FIR, but still still he has been arrested by the police on 16.05.2021

and since then he is in judicial custody at District Jail, Sangrur. The above noted false case has been registered against the applicant by the police of P.S.City Dhuri. The applicant is only bread winner of the family and there is no body behind to look after the family of the accused/applicant. Presentation of challan and conclusion of the trial will take long time and no useful purpose will be served by detaining the accused/applicant in custody. The applicant will abide by all the conditions imposed by the Court. Hence, the prayer for relief of regular bail.

6. On the other hand, the learned Additional PP for the State has vehemently argued that applicant/accused was apprehended by the police alongwith motor cycle Make CT-100 and from the polythene carry bag which was tied with the handle of the above said motor cycle, 450 intoxicant tablets of Tramadol Hydrochloride Celcidal-100 SR were recovered. The applicant is involved in a case of Narcotic Drugs and Psychotropic Substances Act and FSL report has not been received. As allegations against the applicant are grave in nature and FSL report is not received, he does not deserve the leniency of the Court in grant of relief of regular bail.

7. As has transpired from the record, on 16.05.2021, accused/applicant was apprehended by the police and from the polythene carry bag which was tied with the handle of the above said motor cycle, 450 intoxicant tablets of Tramadol Hydrochloride Celcidal-100 SR were recovered. In this case the report of Chemical Examiner has not been received as yet. Further the challan has not been presented in the Court.

The applicant is in custody in this case since his arrest. The prosecution will prove its case against the accused only after submission of report under Section 173 Cr. P. C. on completion of investigation. It has been settled legal proposition by now that the delay in testing the sample does result in prejudice to the alleged offender as till the results are available, there can be no certainty with regard to the kind and quantity of the contraband, allegedly recovered. In such cases, the accused may be released on interim bail, if there is likelihood of delay. In **Inderjit Singh alias Laddi Versus State of Punjab (P&H) DB, 2014 (3) RCR (Criminal) 953**, it has been observed by our own Honorable High Court that the Presiding Officer of a Special Court dealing with NDPS cases, where ever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report and thereafter considered the case after the receipt of the report.

8. Applying the aforesaid parameters of law to the facts of the present case, the Court is of the opinion that it is a fit case for grant of relief of interim bail till receipt of report of Chemical Examiner. Thus, subject to the contents and their quantity that may be found in the report of Chemical Examiner, the applicant/accused is admitted to **interim bail** till receipt of FSL report subject to his furnishing bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of learned Illaqa/Duty Magistrate and also subject to the following conditions :-

- i. That the applicant will make himself available in

the investigation of the case, as and when required;

ii. That the applicant will not tamper with the prosecution evidence; and

iii. That the applicant will not leave the country without prior permission of the court.

9. The learned Additional PP for the State/ Investigating Officer is directed to ensure that the report of Chemical Examiner be produced in the Court immediately on its receipt. Further, it is made clear that this relief of interim bail will subsist only till the receipt of chemical report, whereupon the applicant/accused shall surrender before the court and file regular bail application, which shall be disposed of on merits in the light of report of FSL. The application stands disposed of accordingly, without expressing any opinion on the merits of the case.

10. Police record be returned. Bail application file be sent to the concerned Court tag with the remand papers.

Announced in open Court.
Dated: 23.06.2021.
Mamta Threja, JW.

(Gurpartap Singh)
Judge Special Court,
Sangrur (UID-PB0206)