

**In the Court of Sanjay Agnihotri,
Additional Sessions Judge-I,
Kapurthala
(UID No.PB0099)**

CNR No. PBKP010043632024



Case No. BA/1818/2024

Presented on : 04-09-2024

Registered on : 05-09-2024

Decided on : 09-09-2024

FIR No.399 dated 21.12.2023
Under section 58 NDPS Act
Under section 323,342,365,389,120-B,201,167,
182,193,196 IPC
Police Station City, Kapurthala.

Gurvinder Singh aged about 37 years, son of Onkar Singh, r/o village Arniala, PO Mustapur, Tehsil and District Hoshiarpur.

....Accused/applicant

Versus

State of Punjab

...Respondent

Bail application under Section 483 BNSS

Present: Sh.Tarsem Singh, Advocate, for the applicant-accused.
Ms. Reena Rani, Ld. Addl. P.P. for the respondent/State

ORDER:-

1) This order shall dispose of bail application filed by the applicant-accused **Gurvinder Singh** aged about 37 years, son of Onkar Singh, r/o village Arniala, PO Mustapur, Tehsil and District Hoshiarpur on 04.09.2024 in case F.I.R. bearing No.399 dated 21.12.2023 under Section 58 of Narcotic Drugs & Psychotropic Substances Act & Under section

Sanjay Agnihotri, Addl.Sessions Judge, Kapurthala UID No.PB00099

323,342,365,389,120-B,201,167, 182,193,196 IPC , Police Station City, Kapurthala.

2) It has been averred in the bail application that the applicant is innocent, a false FIR has been registered against him and he has not committed the alleged offence. No offence is made out against him. He is in custody since 01.08.2024. The presentation of the challan and the conclusion of the trial will take a long time. He is ready to abide by all terms and conditions of the bail, if any.

3) Arguments heard and record perused with the able assistance of learned counsel for the applicant/accused and Addl. Public Prosecutor for State.

3) The allegations as per prosecution case are that FIR No.280 dated 23.09.2019 under section 18 & 21 of NDPS Act was registered at police station City Kapurthala, where an application was received that ASI Salwaster Masih, STF, Kapurthala had apprehended one person, who threw one polythene containing Heroin and Opium. ASI Harparshad alongwith other police officials was deputed as Investigating Officer by SI Varinder Singh and took over the investigation of the case and effected recovery of 20 grams Heroin and 250 grams Opium.

3.1) Lateron, Kuldeep Singh @ Sonu filed CRM-M-49406 of 2019 in the Hon'ble High Court. The said petition was disposed off on 06.10.2023 and Senior Superintendent of Police, Kapurthala was ordered to proceed against the erring officials of the police and a Special Investigation Team (SIT) was constituted. Thereafter, present

FIR No.399 dated 21.12.2023 was registered against ASI Salwaster Masih, ASI Kuldeep Singh, HC Major Singh, CT Sham Masih, CT Gurwinder Singh and CT Harjant Singh.

During the investigation, offence under section 365,342,389,120-B of IPC was added vide DDR No.28 dated 31.07.2024.

4) Arguments heard and record perused with the able assistance of learned counsel for the applicant/accused and Addl. Public Prosecutor for State.

5) The allegations and counter allegations are matter of evidence. The applicant/accused is in judicial custody. Co accused Sham Masih has already been granted regular bail. The completion of investigation and conclusion of trial is to take long time and till then he cannot be kept in custody. Since no useful purpose will be served by detaining the applicant further in custody. As such, the application for regular bail of the applicant is allowed and the applicant are ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- to the satisfaction of learned Area Magistrate/Duty Magistrate, subject to the following conditions-

- 1) That the applicant/accused shall appear in the Court on each and every date of hearing.
- 2) That the applicant/accused shall not leave India without prior permission of the court and shall not induce the prosecution witnesses.
- 3) That the applicant/accused shall not tamper with the prosecution evidence.

Copy of this order be sent to the learned Illaqa/ Duty Magistrate forthwith under the signatures of Reader for compliance. Bail application file be consigned to the Record Room(J), Kapurthala.

Pronounced.

Dated: 09.09.2024

Nirlep Kaur , stenographer Gr.I

**(Sanjay Agnihotri),
Additional Sessions Judge/
Judge Special Court,
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Gurvinder Singh Vs. State of Punjab

Present: Sh. Tarsem Singh, Advocate, for the applicant-
accused.
Ms. Reena Rani, Ld. Addl. P.P. for the respondent/State.

Arguments heard. Vide my separate and detailed order of
even date, the present bail application filed by applicant/accused has
been **allowed**. Bail application file be consigned to the Judicial
Record Room.

Pronounced.
Dated: 09.09.2024

Nirlep Kaur , Stenographer Gr.I

**(Sanjay Agnihotri),
Additional Sessions Judge/
Judge Special Court,
Kapurthala(UID PB00099)**

Sanjay Agnihotri, Addl.Sessions Judge, Kapurthala UID No.PB00099

