

Labhjit Singh Versus State. BA No.1762 of 2021.
(CNR No.PBHO01-004747-2021).

‘Application U/s 439 Cr.P. C for Regular Bail’.

Present: Shri Pardeep K. Guleria Counsel for applicant-accused.
Sh. Puneet Jaggi, public prosecutor for the State.

ORDER:

Applicant Labhjit Singh is seeking bail in FIR No. 161 dated 26.6.2021, under Section 22-61-85 of ND&PS Act Police Station Model Town, Hoshiarpur.

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

3. Version of prosecution in brief is that on 26.06.2021, ASI Kuldip Singh along with ASI Ajmer Singh, ASI Jagtar Singh and other police officials were present at Focal point Mohalla Ram Nagar Purhira in connection with shifting nakabandi, they saw one Mahindra pickup was seen coming from Piplanwala, whose driver on seeing the police party trying to turn back. Then, on suspicion ASI Kuldip Singh along with other police officials

apprehended the accused along with Mahindra Bolro Mini truck No. PB07-BX-3678 who disclosed his name as Labhjit Singh S/o Sital Singh R/o Piplanwala near Library chowk PS Model Town, Distt. Hoshiarpur. Then ASI disclosed his identity that he is ASI Kuldip Singh posted at PS Model Town, Dist. Hoshiarpur and said that he has suspicion that accused having some intoxicant powder in his possession or in his Mahindra Bolero Mini truck No. PB07-BX-3678. ASI said accused that you have legal right to conduct your search and search of your vehicle from some gazetted officer or magistrate. Accused was ready to be searched. After complying with the provisions of law, on search of the accused and from search of Mahindra Bolro Mini truck No. PB07-BX-3678, a heavy polythene envelop was recovered from right pocket of pajama weard by accused, from which '*intoxicant powder*' was recovered which on weighment, came to be 120 gram. Other formalities were also completed and accordingly case was registered against the accused under Section 22-61-85 of ND&PS Act and accused was arrested.

4. Learned Counsel for applicant-accused has argued that applicant is innocent and has been falsely implicated. Mandatory provisions of law have not been complied with. It is stated that no case was registered against the accused. The applicant-accused is in custody since 26.6.2021. However, the 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 presentation of challan and receipt of chemical examiner report 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 Labhjit 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 before Trial/Duty Judge, 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 remand papers.

Announced in open Court:
Dated: 27th July, 2021.
(Vandana-Steno-III)'

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PBO-0057).