

**In the court of Sardar Harjeet Singh, Judge, Special Court,
Moga. (UID No.PB0131)**

CIS No.BA/178/2024
CNR No.PBMO010004882024
Date of Order:- 30.01.2024

State of Punjab

Versus

Sukhraj Singh son of Harchand Singh, resident of Near Atta Chakki,
Alamwala Kalan, Tehsil Baghapurana, District Moga.

....Accused/Applicant

FIR No.23 dated 15.03.2023,
Under Section :- 21 of NDPS Act,
Police Station :- Nihal Singh Wala.

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Bail Application under Section 439 Cr.P.C.

Present :- Shri Amrit Mittal, Additional Public Prosecutor for the State
Shri Jaideep Singh Brar, Advocate for accused/applicant.

ORDER

Vide this order, I intend to dispose of bail application under
Section 439 Cr.P.C filed by applicant-accused in the FIR mentioned above.

Police record was summoned and received.

Learned counsel for accused/applicant has argued that accused/
applicant has been falsely implicated in the case in hand. He has been
nominated under Section 29 of NDPS Act on the basis of false disclosure
statement of co-accused. The accused/applicant is in custody since long.
Recovery effected from the co-accused does not fall under commercial quantity.
The completion of trial will take long time and no useful purpose would be
served by keeping the accused/applicant behind the bar for an indefinite period.
Lastly, he prayed that applicant/accused be released on bail.

On the other hand, learned Additional Public Prosecutor for the State submitted that FIR was registered on true facts.

I have considered the submissions of learned counsel for accused/applicant and learned Additional Public Prosecutor for the State.

Perusal of record shows that present FIR was registered by the police on the allegations that the police party headed by ASI Tarsem Singh was present at bus stand of village Manuke Gill in connection with patrolling and checking of suspected persons, where he received a secret information that Major Singh @ Manna used to sell the heroin and on that day, he is waiting for client while sitting outside his house. If raid be conducted, he can be apprehended. Thereafter, raid was conducted and co-accused was apprehended and recovery of 10 grams of Heroin was effected from him. Later on, accused/applicant Soni Singh was nominated under Section 29 of NDPS Act, vide DDR No.16 dated 17.03.2023.

Alleged recovery of 10 grams Heroin effected from co-accused Major Singh @ Manna does not fall into the commercial quantity. Moreover, nothing has been recovered from the accused/applicant as he has been nominated in this case under Section 29 of NDPS Act later on. Applicant/accused is in custody since long. The evidentiary value of the statement of co-accused on whose statement accused/applicant is nominated, is to be seen during the trial. The completion of trial will take a lot of time. No useful purpose would be served by detaining the applicant/accused behind bars for an indefinite period. The culpability of applicant/accused shall be gauged during the course of trial. So, in these circumstances and without much commenting upon merits of the case, bail application is allowed and applicant/accused is ordered to be released on bail on furnishing his personal bonds in the sum of ₹

40,000/- with one surety in the like amount with following conditions:-

- (i) that applicant shall not leave the country without prior permission of the Court;
- (ii) that he shall appear in each and every date of hearing;
- (iii) that he shall not tamper with the prosecution evidence or shall not threat any prosecution witness.

Papers be attached with relevant record.

Pronounced.
30.01.2024.
(Jagjit Singh Panesar, Stenographer-I)

(Harjeet Singh)
Additional Sessions Judge,
Moga. ***(UID No.PB0131)***