

IN THE COURT OF DR RAM KUMAR SINGLA

UID No. PB-0122

JUDGE SPECIAL COURT

KAPURTHALA

Bail Application No. 1763 of 25.09.2019

Date of Institution:25.09.2019

CNR No.PBKP01-005027-2019

Date of Order : 01.10.2019

Beant Singh, s/o Karnail Singh, aged about 28 years, r/o Village Boot, Police Station Kotwali, District Kapurthala.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.0153 of 29.07.2019,
U/s 22 of NDPS Act, 1985,
Police Station – Kotwali, Kapurthala.

Application for bail under Section 438 of Cr.P.C.

Present: Sh.Suresh Kalia, Advocate for the applicant/accused.
Sh.Arvind Sahai, Addl. Public Prosecutor for the State along
with ASI Surinder Singh, No.1288/Kpt., Police Station Kotwali,
Kapurthala.

O R D E R

An application for correction of FIR number as FIR No.0153 instead of FIR No.0183 in the present bail application along with amended application for bail has been moved on behalf of applicant. In view of the contents mentioned in the application, the same stands allowed and disposed

off accordingly. Reader is directed to make the necessary corrections in the bail application.

2. Police record has been received. **Arguments have been heard** on anticipatory bail of above referred applicant in the aforesaid FIR No. 0153 of 29.07.2019. In view of the police record and as per the statement of ASI Surinder Singh, as has been recorded today, the present applicant/accused is not involved in any other case of similar nature, except the present one having the allegations that on 29.07.2019, 255 grams intoxicant powder was recovered from the main accused/ non applicant Gian Kaur, who vide her disclosure statement, disclosed the name of present applicant in the present case. Accordingly, though no recovery was effected from the present applicant, but he has been implicated as co-accused just on the basis of disclosure statement of main accused. Aggrieved therefrom, the applicant has sought his anticipatory bail.

3. The learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case. Otherwise, the alleged recovery has already been effected from the main accused/non applicant. Now, the custodial interrogation of applicant is not warranted in any manner. He is ready to join the investigation proceedings. There is no such like offence ever got registered against him, except the present one.

4. The learned Addl. PP for the state has replied that the gravity of offence warrants thorough probe of that recovery by conducting him custodial interrogation. Accordingly, he is not entitled to the concession of anticipatory bail to him.

5. **Having heard to their rival contentions** and to the aforesaid

episode of allegations against the applicant/ accused leading to the present FIR, it has come on record that neither the applicant was arrested at the spot nor anything was recovered from him. Moreover, the alleged recovery of 255 grams of intoxicant powder has already been effected from the main accused/non applicant, as aforesaid. Otherwise, nothing has come on record of the previous track record of applicant having such allegations against him as of the present case. Therefore, his formal presence is warranted to give the logical end of that recovery by conducting the formal investigation proceedings as the alleged recovery has already been effected. Therefore, the present applicant has been found concession of exceptional circumstances to him *i.e.* anticipatory bail.

6. Consequently, without commenting on the merits of the case, the present applicant is hereby directed to surrender before the Investigating Officer/Arresting Officer within **one week from today** and on his surrender he will be admitted interim bail on furnishing the bail bonds and surety bonds by that officer to his satisfaction and subject to the compliance of necessary provisions of section 438 (2) of Code of Criminal Procedure. Failing to comply this order within that prescribed period by the applicant/ accused, this order shall stand vacated of interim bail to him. Police record be returned to the concerned quarter.

Let the compliance report be awaited till 15.10.2019.

Pronounced in open Court.
Dated:01.10.2019.
Kaushal Kumar

(Dr Ram Kumar Singla)
Judge Special Court,
Kapurthala(UID No. PB-0122).