

**IN THE COURT OF SH. VIJAY KUMAR, JUDGE, SPECIAL  
COURT, FAZILKA, UID No. PB0154**

Case No: BA 178/2019.

CNR No: PBFZCO-000505-2019.

Date of Institution: 06.02.2019.

Date of Order: 14.02.2019.

Sarabjit Kaur aged 35 years wife of late Bhajan Singh caste Rai Sikh resident of Sarabha Nagar P.S. City-1 Abohar Tehsil Abohar District Fazilka.

.....Accused/applicant

Vs

State of Punjab

....Respondent

FIR no. 11 dated 20.01.2019.

U/s 22 of NDPS Act.

P.S. City-1 Abohar.

**Interim bail application**

Present: Sh. Rahil Birla, Adv. counsel for applicant-accused  
Sh. Wazir Kamboj, Addl. PP for State.

**ORDER.**

Sarabjit Kaur had filed the present interim bail application in FIR no. 11 dated 20.01.2019 registered at P.S. City-I Abohar under section 22 of NDPS Act for releasing her on interim bail.

2. Brief facts of the bail application are that the applicant has not committed any offence. Applicant further stated that alleged recovery has already been effected. Applicant further stated that she undertakes to abide by the terms and conditions to be imposed by this court. So, she be admitted to interim bail.

3. Upon notice learned Addl. PP for the State appeared on behalf of State and contested the bail application. Learned Addl. PP argued that 250 intoxicant tablets were recovered from the possession of accused. He further stated that chemical report is not received.

Vijay Kumar, Judge, Special Court, Fazilka.

Hence, prayed that bail application be dismissed.

4. I have heard learned counsel for accused/applicant, APP for the State and have carefully gone through the records of the case.

5. Present FIR no. 11 dated 20.01.2019 was registered against accused Sarabjit Kaur at police station City-1 Abohar under section 22 of NDPS Act. As per version of prosecution, 250 intoxicant tablets were recovered from the possession of accused Sarabjit Kaur. Thereafter, sample was sent to the chemical examiner, but no report was received. From perusal of prosecution record, it is clear that prosecution is not making any sincere efforts to get the chemical report. Accused was arrested in this case on 20.01.2019 and since then Sarabjit Kaur is in judicial custody. **The Hon'ble High Court of Punjab and Haryana has clearly laid down in Inderjeet Singh @ Laddi and others Versus State of Punjab 2014(3) Recent Criminal Reports 953** that “where there is delay in receipt of report of chemical examiner, then applicant/accused can be extended concession of interim bail”. Report of Chemical Examiner is not received till date.

6 So, from the above said discussion, it is clear that as per version of the prosecution, 250 intoxicant tablets were recovered from the possession of accused Sarabjit Kaur. Thereafter, sample was sent to the chemical examiner, but FSL report has not been received so far. Accused was arrested in this case on 20.01.2019 and since then she is in judicial custody. No useful purpose will be served by keeping the accused behind the bars. So, in these circumstances accused/applicant is admitted to interim bail on furnishing bail bonds/surety bonds to the

tune of Rs. 20,000/- with one surety of the like amount, subject to following conditions;

- (a) That she will not tamper with the prosecution evidence and will not offer any threat, promise or inducement, directly or indirectly to any of the person acquainted with the facts of the case, dissuading them from disclosing the same to the court/investigating agency; and
- (b) That she will not leave the limits of this country without prior permission of the court.
- (c) Before parting with the order, I consider it necessary to make it abundantly clear that in case on receipt of report of chemical examiner, the recovered intoxicant tablets are found to be such of nature that the recovery falls in the category of commercial under NDPS Act, then this order would cease to operate. The applicant/accused in that case shall be bound to surrender in this court at the earliest possible, failing which, she will be taken into custody without any further order of cancellation of interim bail.

Police record, if any be returned and bail application papers be consigned to Record Room, Fazilka.

Pronounced in open Court.  
Dated :14.02.2019.  
*Vinay Kumar, Steno-I*

Vijay Kumar,  
Judge, Special Court,  
Fazilka.(UID No.0154)