

**IN THE COURT OF SHRI BALWINDER KUMAR,
SPECIAL JUDGE, FATEHGARH SAHIB**

CIS No. BA-176-2023

Date of Institution: 20.02.2023

CNR No: PBFG01-000672-2023

Decided on: 27th February, 2023

Sukhwinder Singh @ Kala aged about 30 years s/o late Sh. Jaswant Singh, resident of village Bhoje Majra, Chamkaur Sahib, Roopnagar (Ropar), Police Station Chamkaur Sahib, Punjab, India.

.....Applicant

Versus

State of Punjab

FIR No.79 Dated: 14.07.2022

Under Section – 22C, 29/61/85 NDPS Act

Police Station – Badali Ala Singh

**Application under Section 439 Cr.PC for
grant of regular bail.**

Present: Shri Amandeep Bawa Advocate for accused/applicant.
Mrs. Anju Narula, Addl.PP for the State.

ORDER

1. Record received. Arguments heard. It is mentioned in the bail application that accused/applicant is in custody from the date of his arrest and no useful purpose will be served by detaining him in judicial custody. It is further averred that it is well settled law that guilt of the accused should be

Balwinder Kumar/Special Judge,
Fatehgarh Sahib/UID#PB0160

decided during trial, not at the initial stage and the very purpose of FIR is just only to corroborate and contradict, and a person cannot be solely declared as criminal on the basis of FIR and it is also to be presume that every person is innocence till his guilt not duly proved before the court. It is further averred that applicant/accused undertakes to abide by the terms and conditions, if any, imposed by the Hon'ble court, if he may be released on bail.

2. Learned counsel for the applicant/accused while arguing in the lines of aforesaid application contended that bail application may be allowed.

3. On the other hand, learned Addl. PP for the State contended that keeping in view the serious nature of allegations against applicant/accused, the bail application may be dismissed.

4. I have considered the rival submissions and after going through the record, it has transpired that instant case was registered when on 14.07.2022 secret information was received that accused/applicant Sukhwinder Singh and Harjaspreet Singh supply intoxicant injections and they are coming on their motorcycle from Saharanpur (UP) by bringing intoxicant injections. Accused/applicant Sukhwinder Singh and Harjaspreet singh were apprehended and from them 350 intoxicant injections buprenorphine and Avil were recovered and on their further interrogation, accused Ashish Vishavkarma was also apprehended

and from him 5,95,200 intoxicant tablets and 36,775 buprenorphine/Avil injections were recovered and during further investigation and interrogation of accused, name of accused Bhagwan Singh cropped up. Record reveals that there are bills recovered during investigation of the matter alongwith delivery receipt of the alleged contraband, having connection of accused Bhagwan Singh.

The alleged recovery effected above, is of commercial quantity and that being so, accused/applicant does not stand entitled to the concession of bail. As such, the bail application is ordered to be dismissed. Record be returned and file of this bail application be tagged with the main file.

**Pronounced in open court
27th February, 2023**

Jagjit Singh Batta EA/JW

*"I attest to the accuracy and
authenticity of this document."*

**(Balwinder Kumar)
Special Judge
Fatehgarh Sahib**

UID#PB0160

**Balwinder Kumar/Special Judge,
Fatehgarh Sahib/UID#PB0160**