

In the Court of Jatinder Pal Singh Khurmi, Additional Sessions
Judge, Hoshiarpur. (UID No.PB-00057).

CNR No.PBHO01-005185-2022
CIS Number: 1729 of 2022
Date of Order: 3.8.2022.

Yash Pal, aged 59 years son of Jog Raj, resident of House No.216, Mohalla
Bassi Khawaju, Manchanda Chowk, Near Old Sabzi Mandi, Hoshiarpur.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

FIR No.154 dated 21.6.2022.
U/ss 22-29-61-85 of ND&PS Act.
P.S Model Town, Hoshiarpur.

(Application for anticipatory bail U/s 438 Cr.P.C).

Present: Shri Sandeep Sharma, Counsel for the applicant-accused.
Shri Gurpreet Singh, Addl. Public Prosecutor for State.

ORDER:

Applicant-accused Yash Pal is seeking anticipatory bail in FIR
No.154 dated 21.6.2022, under Sections 22-29-61-85 of ND&PS Act, Police
Station Model Town, Hoshiarpur. It is pleaded that police wants to falsely
implicate the applicant-accused in above noted case. As per version of FIR,
name of applicant was not mentioned and nothing is to be recovered from him.
The alleged recovery has already been effected from main accused Preeti. He
has no concern with the alleged offence. He undertook to abide by terms of
bail and prayed for granting him anticipatory bail in the event of his arrest.

2. Upon notice, Learned Additional Public Prosecutor for State has
orally opposed the bail application. Even HC Vishal Sharma No.1562/HPR,
from Police Station Model Town, District Hoshiarpur, has suffered statement
that in compliance to the order of this Court dated 28.7.2022, applicant-
accused Yash Pal has joined the investigation on 2.8.2022 and he is no longer
required for custodial interrogation. The applicant has been nominated on the
disclosure statement of co-accused Preeti Sidhu from whom recovery of 82

gram of intoxicant powder was effected.

3. I have heard the arguments advanced by Learned Counsel for the applicant-accused and Learned Additional PP for State and also have gone through the record carefully.

4. As per version of prosecution, recovery of 82 intoxicant powder was effected from co-accused Preeti Sidhu. Accordingly, case was registered against the accused under Section 22-61-85 of ND&PS Act and she was arrested. Later on, on the disclosure statement of accused Preeti Sidhu, that she purchased the intoxicated powder from Yash Pal, Section 29 of ND&PS Act was also added and applicant-accused was nominated in this case.

5. Learned Counsel for applicant-accused has argued that no recovery was effected from the applicant-accused and alleged recovery has already been recovered from the main accused Preeti Sidhu. The disclosure statement is not admissible, as such benefit of anticipatory bail should be granted to the applicant. On the other hand, Learned Additional PP for the State has argued that applicant-accused Yash Pal was nominated on the disclosure statement of accused Preeti Sidhu, under Section 29 of ND&PS Act, as Preeti Sidhu purchased the intoxicated powder from applicant-accused, hence he should not be granted benefit of anticipatory bail.

6. The applicant-accused Yash Pal was granted interim bail by this Court. As per statement of HC Vishal Sharma No.1562/HPR, from Police Station Model Town, Hoshiarpur, the applicant-accused has joined the investigation on 2.8.2022, as per order of this Court dated 28.7.2022. Learned Counsel for the applicant-accused has argued that the disclosure statement of co-accused and confessional statement of applicant-accused are not admissible as evidence and in support of his contention, he has relied upon citation

“Criminal Appeal No.152 of 2013 decided on 29.10.2020, titled as Tofan Singh Versus State of Tamil Nadu (SC)” . In this case, 82 gram of intoxicated powder was recovered from Preeti Sidhu, co-accused of applicant-accused who made confessional statement on the basis of which applicant-accused was nominated in this case. The disclosure statement of co-accused and confessional statement of applicant-accused Yash Pal are debatable one. Without commenting on merits of the case, this Court finds that the applicant-accused is entitled to the benefit of anticipatory bail. Hence, bail application filed by applicant-accused Yash Pal, under Section 438 Cr.P.C is hereby allowed and interim bail granted to him vide order dated 28.7.2022, passed by the undersigned is made absolute, subject to conditions that applicant-accused shall appear in the court on each and every date of hearing, he will not leave India without prior permission of the court and that she will not tamper with the evidence of prosecution. Police record returned and bail application be attached with the remand papers.

Announced in open court:

Dated: 3rd August, 2022.

‘Gautam Manocha, JW (SG)’

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PB-00057).

Yash Pal Versus State. BA No.1729-2022.
(CNR No.PBHO01-005185-2022).

Present: Shri Sandeep Sharma, Counsel for the applicant-accused.
Shri Gurpreet Singh, Addl. Public Prosecutor for State.

Police record received and perused. Arguments heard. Vide my separate detailed order of even date, bail application filed by applicant-accused Yash Pal, under Section 438 Cr.P.C, has been allowed, as detailed therein. Police record returned and bail application be attached with the remand papers.

Announced in open court:
Dated: 3rd August, 2022.
'Gautam Manocha, JW (SG)'

(Jatinder Pal Singh Khurmi),
Judge, Special Court, Hoshiarpur.
(UID No.PB-00057).