

IN THE COURT OF RAKESH KUMAR,
UID No. PB-0138
JUDGE SPECIAL COURT
KAPURTHALA

CNR No.
PBKP010004202023



Case No. BA/173/2023

Presented on : 25-01-2023

Registered on : 25-01-2023

Decided on : 06-02-2023

Sehdant Sehgal @ Siddhant Sehgal, s/o Ashwani Sehgal, aged about 27 years, r/o H. No.324/7, Central Town, Jalandhar.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.403 of 16.11.2022,

U/s 22 of NDPS Act, 1985 and

Section 380 of Indian Penal Code,

Police Station – Kotwali, Kapurthala.

Application for bail under Section 439 of Cr.P.C.

Present: Sh.Vipan Kumar Sabharwal, Advocate for the
applicant/accused.

Ms.Aarti Mehta, Addl. Public Prosecutor for the State.

O R D E R

Record perused. **Arguments have been heard** on regular/
interim bail of above referred applicant/ accused Sehdant Sehgal @

Siddhant Sehgal in the above referred FIR. The report of FSL in the present case has not been received. So far as the present FIR, there are allegations of recovery of 02 grams of intoxicant material from applicant/ accused Sehdant Sehgal @ Siddhant Sehgal and non applicant Aman Kumar @ Amna, in the Central Jail Kapurthala on 11.11.2022. There are further allegations that recovery of one syringe with needle was also recovered from non applicant Shubham Sehgal in the jail premises, which was allegedly stolen by him from Jail Hospital. Now, the applicant/ accused is in custody since 16.11.2022. Report of chemical examiner is awaited and the challan has not been presented till date.

2. Learned counsel for the applicant has vehemently contended that he has falsely implicated in the present case. The alleged recovery has already been effected. He is in custody since 16.11.2022. The report of FSL in the present case has not been received. Moreover, presentation of challan and conclusion of trial will take time. No useful purpose will be served by keeping the applicant behind the bars.

3. On the other hand, learned Addl. PP for the State has contended that gravity of offence does not warrant the concession of regular bail to the applicant/ accused as intoxicant material etc. have been recovered from the applicant/ accused and his associates. So, the present bail application is liable to be dismissed.

4. I have heard the submissions made by learned counsel for the applicant/ accused and learned Addl. PP for the State. In such a situation,

finding the fact of period of custody of applicant/ accused since 16.11.2022 and his custody just for awaiting the report of Chemical Examiner of the allegedly recovered contraband, it has been relied upon **2014 (3) RCR (Criminal) 953 titled as Inderjeet Singh @ Laddi Versus State of Punjab,** the applicant/ accused is at least entitled to interim bail till the report of FSL is finally received.

5. Consequently, without commenting on the merits of the case, the applicant/ accused Sehdant Sehgal @ Siddhant Sehgal is, hereby, admitted on **interim bail**, subject to result of report of Chemical Analysis and subject to furnishing bail bonds in the sum of Rs.75,000/- with one surety bond of like amount with the conditions that applicant-accused will not tamper with the evidence; will attend the court on each and every date of hearing and will not leave India without prior permission of the court till the disposal of the trial. This is conditional order of interim bail, subject to the result of report of Chemical Analysis. Accordingly, the present bail application stands disposed of. Bail application be attached with the file of concerned FIR.

Pronounced in open Court.
Dated:06.02.2023.
Kaushal Kumar

(Directly dictated on computer)

(Rakesh Kumar)
Judge Special Court,
Kapurthala(UID No. PB-0138).