

IN THE COURT OF Mrs. PAMELPREET GREWAL KAHAL
JUDGE SPECIAL COURT, FAZILKA.

BA-1720-2025

CNR No. PBFZC0004254-2025

Date of Institution:02.07.2025

Date of Decision:-21.07.2025

Kuldeep Singh aged about 33 years s/o Shamba Singh r/o Village Kathgarh,
Teh Jalalabad, District Fazilka.

Vs

State

FIR No.50 dated 10.05.2025

Under Sections:-22/61/85 NDPS Act.

P.S. Vairo Ke.

Present: Sh. Parvinder Kumar Kamboj, Adv for applicant/accused.

Ms. Shaminder Jeet Kaur, Ld. Addl. PP for the state.

APPLICATION FOR REGULAR BAIL
with PRAYER FOR INTERIM BAIL

ORDER:

This order of mine shall dispose off the application for
grant of regular bail moved by applicant/accused Kuldeep Singh.

2. In brief, the allegations against the accused/applicant are
that on 15.05.2025 in the area near Cremation Ground, Village Kathgarh, PS

Pamelpreet Grewal Kahal
Judge, Special Court
Fazilka. 21.07.2025

Vairo Ke the applicant/accused was apprehended and from their possession 470 intoxicant tablets of Tramadol were recovered.

3. Upon notice the police record was perused and statement of ASI Savar Singh was recorded. Report of Ahlmad has also been seen that this is the first bail application of applicant-accused. The report of FSL has not been received till date.

4. I have heard the submissions of the Ld. Counsel for accused and the Ld. APP for the state. Ld. APP for the state has argued that accused persons including the applicant have committed serious crime due to which benefit of bail should not be granted. On the other other hand Ld. Counsel for accused has argued that the accused has been falsely implicated. The trial and conclusion of the evidence would take long time. The applicant/accused is already in custody since 10.05.2025. The report of FSL has not been received. With these submissions prayer for bail was made.

5. Police record is perused. The contraband alleged to be recovered in this case from the applicant/accused is 470 tablets of Tramadol. The applicant/accused is in custody since 10.05.2025. Report of FSL has not been received till date. ASI Savar Singh has also got recorded his statement in this regard. Thus, it cannot be ascertained at this stage as to whether the tablets allegedly recovered from accused/applicant falls in non commercial category or commercial category. The **Hon'ble High Court of Punjab and Haryana in Inderjit Singh alias Laddi Vs State of Punjab in Criminal Misc. No. 13140 of 2012 decided on 31.01.2014**, has held that the '*State Authority*

should get the drugs in respect of which there is contravention and that are recovered examined by the Chemical Analyst at the earliest and a report provided to the offender at the earliest so that position can be ascertained as to whether the alleged offender was in possession of permissible quantity of drugs or otherwise. In case there is delay, this would entitle the offender to at least interim bail till the report is finally received.'

6. In view of the law laid down above and the fact that the recovery alleged from the accused in this case is 470 tablets of Tramadol, this court is of the considered opinion that report of FSL is required in the matter to know about quantity of Narcotic and Psychotropic salt available in the alleged recovered substance. Till today, there is no report of FSL to show prima-facie fact that alleged recovered pills are falling under NDPS Act. Without report of FSL even this court is unable to determine the fact that alleged recovered tablets falls in commercial category or non commercial category.

7. Accordingly the accused/ applicant is held to be eligible for interim bail till determination of contraband, though report of FSL has not been received till date. Consequently, present application for bail moved by accused/ applicant **Kuldeep Singh** is hereby allowed and he is ordered to be released on interim bail on furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of learned Area Magistrate/learned Duty Magistrate. However, it is made clear that the relief of interim bail so granted is with the condition that in case contraband on receipt of report is found to be commercial in nature, then bail order

would be canceled and accused/ applicant is required to surrender and in the absence of same, this order would become absolute. Ahlmad is directed to send the copy of this order alongwith remand papers to the court of learned Area Magistrate for compliance with the directions to send back the same alongwith bail bonds and surety bonds immediately.

8. It is made clear that no findings given in this order shall not effect on merits of the main case. Attested copy of order be retained alongwith the remand papers by the Ahlmad of the Court. Police record be returned, whereas bail application file be consigned to the Record Room after due compilation.

Pronounced in open Court.
21.07.2025

PAMELPREET GREWAL KAHAL
JUDGE SPECIAL COURT,
FAZILKA (UID No.PB0304)

‘Gulshandeep, Stenographer Gr.III’
(Directly dictated on computer).

Present: Sh. Parvinder Kumar Kamboj, Adv for applicant/accused.

Ms. Shaminder Jeet Kaur, Ld. Addl. PP for the state.

Record produced. Statement ASI Savar Singh recorded. Arguments on bail application heard. Vide my separate detailed order of even date, interim bail application has been allowed. Police record be returned. Papers be attached with pending remand papers.

Pronounced in open Court.
21.07.2025

PAMELPREET GREWAL KAHAL
JUDGE SPECIAL COURT,
FAZILKA (UID No.PB0304)

‘Gulshandeep, Stenographer Gr.III’
(Directly dictated on computer).