

IN THE COURT OF SH. YUKTI GOYAL,
JUDGE, SPECIAL COURT, JALANDHAR
(UID No. PB0220)

CIS Case No :	BA- 1720 of 2023
CNR No :	PBJL01003991-2023
Date of Institution :	22.3.2023
Date of Order :	23.3.2023

Gurmukh Singh alias Sukha aged about 26 years son of Nirmal Kumar resident of Patti Chokkra, village Pasta, Police Station Nurmahal, Distt. Jalandhar.

...Applicant/accused

Versus

State of Punjab

(First application for bail under Section 439 Cr.P.C.)

FIR No.19 dated 23.2.2023
Under Section: 21(b)/29-61-85 NDPS Act
P. S. Bhogpur, Distt.Jalandhar

Present: Sh. Arshdeep Singh Basra, Advocate for the
applicant/accused.
Sh. Anil Gill Addl.PP for the State.

Yukti Goyal
JSC/Jalandhar
Dated: 23.3.2023

ORDER

1. This order will dispose of bail application under Section 439 Cr.P.C to release the applicant/accused on bail in FIR No.19 dated 23.2.2023 under Section 21(b)/29-61-85 NDPS Act registered at Police Station Bhogpur, Distt. Jalandhar, moved by the applicant/accused.

2. Upon notice, Ld. Addl.PP appeared on behalf of State.

3. Before moving further, it would be appropriate to briefly narrate the prosecution story, which is to the effect that on 23.2.2023 police party headed by ASI Pippal Singh, in the area of Garhibaksha turn, apprehended accused Gurmukh Singh alias Mukha, on the basis of suspicion. On the search of one polythene bag thrown by him, 20 grams of Heroin was recovered which was taken into police possession.

4. Ld.Counsel for the applicant/accused argued that applicant/ accused has been falsely implicated in the present case. Ld.Counsel for the applicant/accused further argued that no recovery has been effected from the applicant/accused. It is further argued that the applicant/accused is in custody since the date of his arrest and no purpose will be served by detaining him behind the bars. Lastly, Ld. Counsel for the applicant/accused prayed that the present application be allowed and applicant/accused be released on bail.

5. On the other hand, Ld. Addl.PP for the State contended that offences attributed to the applicant/accused in the present case are very

Yukti Goyal
JSC/Jalandhar
Dated: 23.3.2023

serious in nature and no leniency is required in such like matters, hence prayed for dismissal of the bail application.

6. I have heard Ld. Counsel for the applicant/accused and Ld. Addl.PP for the State and also gone through the record.

7. Perusal of the police file reveals that in the present case, on 23.2.2023, recovery of 20 grams of Heroin was effected from the applicant/accused Gurmukh Singh alias Mukha by the police party headed by ASI Pippal Singh. As per the case of prosecution, applicant/accused is in custody since the date of his arrest i.e. 23.2.2023. The presentation of challan and then conclusion of trial will take considerable time. Therefore, in the considered view of this court, no purpose will be served by detaining the applicant/accused indefinitely in the custody. As such, without commenting on the merits of the case in hand, the applicant/accused is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount subject to the following conditions:-

- i. That applicant/accused will appear in the court on each and every date of hearing
- ii. That he will not leave the limits of this country without prior permission of the Court;
- iii. That the applicant/accused will not threaten or induce any witness to dissuade him from disclosing the true facts.

Application stands disposed of accordingly. File be tagged with the remand papers. Record be returned.

Date of Order: 23.3.2023

Rajinder Kumar, JW

(Yukti Goyal)

Judge, Special Court
Jalandhar/UID No. PB0220

Yukti Goyal
JSC/Jalandhar
Dated: 23.3.2023