

***In the Court of Mrs. RAJWINDER KAUR,
Judge, Special Court
Kapurthala.
(UID No.PB0121)***

***Bail application No.1736 of 21.09.2019
CIS No.BA/3621/2019
CNR No.PBKP01-004941-2019.
Date of order:- 30.09.2019***

State Versus **Malkit Singh @ Manga** s/o Major Singh
r/o village Dainwind, PS Kotwali,
District Kapurthala.

.....Accused-applicant.

***F.I.R.No.132 of 09.08.2019
Under Sections: 22/61/85 NDPS Act.
Police Station:- Sadar Kapurthala.***

Application for interim bail

Present:- Sh. J.S. Kahlon, Advocate for applicant-accused.
Sh.Shailender Gill, Addl.P.P. for the State.

ORDER

1. The afore-said bail application is filed by the applicant-accused **Malkit Singh @ Manga**, for grant of concession of interim bail, till the presentation of report of Chemical Examiner as well as presentation of challan.
2. It is averred in the application that the applicant-accused has been falsely implicated. He has nothing to do with the alleged offence. Alleged recovery has already been effected and he is in judicial custody and report of Chemical Examiner has not been received in this case so far. Application is duly supported with affidavit.
3. Notice of the bail application was given to the State and accordingly learned Addl.P.P. has appeared, but no reply has been filed,

rather orally contested the same. Police record summoned.

4. I have heard **Shri J.S. Kahlon, Advocate**, learned counsel for the applicant-accused and **Shri Shailender Gill**, learned Addl. P.P. for the State and have gone through the police record with their able assistance.

5. As per the allegations, accused-applicant **Malkit Singh @ Manga** son of Major Singh was allegedly found in possession of **110 grams intoxicated material**. So, a case under Section 22/61/85 of the NDPS Act was registered against him.

6. During the course of arguments, it is submitted by learned counsel for the applicant-accused that the presentation of challan and disposal of case will take a long time, as the necessary report of Chemical Examiner is yet to be received and it is yet to be decided whether the alleged recovered substance does fall within the ambit of NDPS Act or not. The receipt of report of Chemical Examiner will take its own time. Accused-applicant is in judicial lock-up since 09.08.2019.

7. Arguments heard. In such a situation, the Hon'ble Punjab and Haryana High Court while disposing of bunch matter, vide **CRM No.13140, 14461 & 20282 of 2012 & CRM No.M-1379 of 2013 titled Inderjit Singh @ Laddi versus State of Punjab**, held that the Presiding Officer of Special Courts dealing with the NDPS Act cases, whenever need is felt and where the matter is unnecessarily delayed, may grant interim bail till the receipt of the FSL report and thereafter, may consider the case after the receipt of report. So, keeping in view the facts and circumstances of the present case, accused-applicant **Malkit Singh**

@ **Manga** son of **Major Singh**, is granted **interim bail**, subject to receipt of report of Chemical Examiner and on his furnishing bail bonds in the sum of **Rs.1,00,000/- with one surety** of the like amount to the satisfaction of this court, with the following conditions :-

- (i) He will not tamper with the evidence.
- (ii) He will attend the court on each and every date.
- (iii) He will not leave India without the prior permission of the court.

8. This is a conditional order of **interim bail** subject to receipt of report of Chemical Examiner and on receipt of report of Chemical Examiner, if the recovery so effected, comes into commercial quantity, the bail order will automatically stands cancelled and accused-applicant will be taken into custody. Bail application file be attached with the pending remand papers.

Pronounced in open Court.
30.09.2019.

(Mohinder Kumar)

(Rajwinder Kaur),
Judge, Special Court,
Kapurthala.
(UID No.PB0121)

Malkit Singh @ Manga Vs State
Bail application No.1736 of 21.09.2019
CIS No.BA/3621/2019
CNR No.PBKP01-004941-2019.

Present:- Sh. J.S. Kahlon, Advocate for applicant-accused.
Sh.Shailender Gill, Addl.P.P. for the State.

Arguments. Vide my separate detailed order of even date, the **interim bail** application has been **allowed**, as detailed therein. Bail application file be attached with the pending remand papers.

Pronounced in open Court.
30.09.2019.

(Mohinder Kumar)

(Rajwinder Kaur),
Judge, Special Court,
Kapurthala.
(UID No.PB0121)