

**In the Court of Rajwinder Kaur,
Judge Special Court, Kapurthala.
(UID No.PB0121)**

CNR No.
PBKP010042712021



Case No. BA/1722/2021

Presented on : 27-08-2021

Registered on : 27-08-2021

Decided on : 03-09-2021

Pankaj Kumar @ Kaka, aged 35 years, son of late Raj Kumar, resident of Mohalla Mehtabgarh, PS City, Kapurthala.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.237 dated 30.07.2021
U/s 22/61/85 of NDPS Act.
Police Station: City Kapurthala.

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

Present: ***Shri Sukhminder Singh***, Advocate for the applicant/accused.
Shri Anil Kumar, Id.Addl. PP for the State duly assisted by SI Amarjit Singh, No.1919 BTL, PS City Kapurthala.

ORDER

Pankaj Kumar @ Kaka, (***applicant/accused***) son of late Raj Kumar filed instant application for bail under section 439 Cr.PC as well as an application for interim bail till the receipt of report of

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chemical examiner, on the ground that he has been falsely implicated and has nothing to do with the alleged offence. Alleged recovery has already been effected and he is in judicial custody since 30.07.2021 whereas report of Chemical Examiner has not been received in this case so far. Being law abiding citizen is ready to abide by all terms and conditions, if released on bail. (*Application is duly supported with an affidavit*).

2. Notice of the bail application was given to the State and accordingly learned Additional Public Prosecutor has appeared, but no reply has been filed, rather orally contested the same.

3. Police record produced. Perused.

4. I have heard **Shri Sukhminder Singh, Advocate**, learned counsel for the applicant-accused and **Shri Anil Kumar**, learned Additional Public Prosecutor for the State and have gone through the police record with their able assistance.

5. As per the allegations, on **30.07.2021**, ***Pankaj Kumar @ Kaka(applicant/accused)*** was apprehended and on searching the polythene paper bag thrown by him, it was found containing 16 grams intoxicated substance, and accused failed to produce any permit or licence. So, a case under Section 22/61/85 of the NDPS Act was registered against him.

6. SI Amarjit Singh, No.1919 BTL, PS City, Kapurthala suffered statement that on **30.07.2021** ***Pankaj Kumar @ Kaka(applicant/accused)*** was found in conscious possession of **16**

grams of intoxicated substance without any permit or licence. He has further stated that no report of Chemical Examiner has been received so far and report under Section 173 Cr.P.C. has also not been presented in the court.

7. Ld. Addl. PP for the State fairly conceded that report of chemical examiner has not been received so far. 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. Hon'ble Punjab & Haryana High Court, Chandigarh in Criminal **Misc.No.1389 of 2013 Ravinder Singh alias Rinku Versus State of Punjab** has given the direction that in case there is delay in the report of the Chemical Analysis, this would entitle the accused to the interim bail, till the report is finally received.

8. So, keeping in view the facts and circumstances of the present case, and further keeping in view the precautionary measures in wake of Pandemic Novel Coronavirus (Covid-19) and in view of the instructions as issued by Hon'ble High Powered Committee constituted by Hon'ble High Court of Punjab & Haryana,

the present bail application stands allowed and the applicant/accused is, hereby, admitted on **interim bail** on furnishing of bail bonds to the satisfaction of learned Illaqa Magistrate/Duty Magistrate, subject to 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.

9. 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. Application for regular bail stands disposed off being premature. Copy of this order be sent to the Illaqa /Duty Magistrate for necessary compliance. Papers be attached with remand papers.

Pronounced.

Dated:- 03.09.2021.

(Nirlep Kaur)

(directly dictated on computer)

(Rajwinder Kaur)
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Present: ***Shri Sukhminder Singh***, Advocate for the applicant/
accused

Shri Anil Kumar, Id.Addl. PP for the State.

Heard. Vide separate order of even date, interim bail application of applicant/accused stands **allowed**, as per terms enumerated therein, and application for regular bail stands disposed off being premature. Papers be attached with remand papers.

Pronounced.

Dated:- 03.09.2021.

(Nirlep Kaur)

(Rajwinder Kaur)
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Kapurthala.
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