

PBTT010035682023



Presented on : 14-06-2023
Registered on : 15-06-2023
Decided on : 15-07-2023
Duration : 0 years, 1 months, 1 days

**IN THE COURT OF PRASHANT VERMA,
JUDGE SPECIAL COURT, TARN TARAN.
(UID NO. PB0209)**

<i>Bail Application number</i>	<i>1742 of 2023</i>
<i>Date of Order</i>	<i>15.07.2023</i>

State of Punjab

Versus

Balwinder Singh alias Bittu son of Gurdeep Singh r/o Malvahia wali Pati,
Amarkot road, Valtoha Tehsil Patti, Distt. Tarn Taran.

.....Accused/petitioner

(First Bail application under Section 439 Cr.P.C.)

-o-o-

FIR No. 38 dated 13.05.2023,
Under Section: 22 /61/85 of NDPS Act
Police Station : Harike

-o-o-

Present : Shri HK Handa Advocate, learned counsel for the
applicant/accused.
Shri Ravinder Singh Chandi learned Additional Public
Prosecutor for the State.
ASI Hardev Singh No. 800/Fzr. now posted at PS Harike
along with record.

ORDER

1. This order shall decide first application for bail under Section 439 of Code of Criminal Procedure (hereinafter referred to as Cr.P.C) filed on behalf of the applicant/accused, in afore referred FIR.

2. The very substance of the application being that applicant/accused had been falsely implicated in this case. He is innocent and has never committed any offence. Nothing incriminating was recovered from his possession and he was not even present at the spot. It has further been contended that he had nothing to do with the alleged crime, as the projected recovery of tablets is fabricated and planted one.

3. Pursuant to the notice to the State, the learned Addl. Public Prosecutor for the State contested the claim of the applicant on the ground that the applicant/accused is culpable under the stringent provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 and consequently should be denied the concession of bail.

4. ASI Hardev Singh No. 800/Fzr. now posted at PS Harike appeared and through written statement informed that the report from the office of the FSL has not been received so far and he had also issued a reminder on 21.06.2023 but report was not received. He had also sought moretime(tentatively 15 to 20 days) to procure the report. The accused was arrested on 13.05.2023. The following recovery had been effected from the possession of the accused:

***300 intoxicant tablets of Tramadole Hydrochloride(100mg
Clovidole 100 SR)
210 intoxicant tablets of Alprazolam***

5. Since, the accused had been arrested on 13.05.2023 and the investigating officer is making every effort to procure the report of chemical examiner, it cannot be concluded at this prefatory stage that there is unwarranted or unjustified delay in receiving the report of the chemical examiner more particularly when not much time has elapsed.

6. Id. Counsel for the accused applicant had placed reliance upon the judgment passed by *Hon'ble Punjab and Hayrana High Court* in case titled as *Inderjit Singh @ Laddi and ors. vs. State of Punjab reported in 2014 (3) RCR (Crl.) 953* while trying to make out a case for the grant of interim bail.

7. The regulating phrase in the afore referred judgement is '*may grant interim bail till the receipt of the Chemical Examiner report and thereafter, may consider the case after the receipt of report.*'.

Evidently, it is the facts and circumstances of each case which are to be independently evaluated by the Court while forming an opinion as to whether interim bail is to be granted or not and it is not to be invariably granted in all the cases at any stage. One of such intrinsic factors would be the intervening time in the arrest of accused and the filing of the bail application in the event of the absence of the report of chemical examiner.

8. Since not much time has elapsed in the present case, no ground is made out to release the accused on regular or interim bail and as such, the bail application is dismissed and papers be attached with the main file.

Pronounced in open court
Dated: 15.07.2023

Prashant Verma,
Judge Special Court
Tarn Taran/UID-PB0236

(Prashant Verma,
ASJ/JSC, Tarn Taran, UID no. PB0236)

