

In the Court of Ajaib Singh
Judge Special Court, Kapurthala
(UID No.PB0120)

CNR No. PBKP010042102023



Case No. BA/1743/2023

Presented on : 16-08-2023
Registered on : 16-08-2023
Decided on : 31-08-2023

Bikramjit Singh, aged about 40 years, son of Harkirat Singh, resident of Mohalla Mehtabgarh, Kapurthala at present resident of H.No.390, Ward No.26, Ucha Dhora, Tehsil and District Kapurthala.

.....Applicant/accused

Versus

State of Punjab

....Respondent

FIR no. 201 dated 24.07.2023
U/s: 21,29,61,85 of NDPS Act
PS City Kapurthala.

Application for bail under section 439 of Cr.PC.

Present Sh. TS Sharma, Advocate for applicant/accused.
Sh. Manoj Kumar, learned Addl. PP for State duly also
assisted by SI Labh Singh, No.212/JAL(R) CIA Staff
District Kapurthala.

Order,

The applicant, Bikramjit Singh, aforementioned arrested in the present criminal case, has filed the present application under section 439 of Cr.PC for bail in the present case.

2. The notice of the application for bail was issued towards the State. The learned Addl.PP for the state on receipt of the notice of the same has appeared to contest the same. The police record with regard to

the investigation conducted till date as requisitioned, has been received for the said purpose of deciding the application for bail.

3. The arguments with regard to the application for regular bail under section 439 of Cr.P.C moved by the said applicant/accused, then on receipt of record of police with regard to investigation conducted till date, are heard and the record is also perused and it is found that SI Labh Singh alongwith his police party was present at Grain Market, Dandupur Road, Kapurthala and had received secret information that Punjab Singh son of Parkash Ram, resident of Mohalla Mehtabgarh, Kapurthala was dealing with intoxicated substances at large scale, had also been involved in many criminal cases of the said nature and had earned a luxurious life from the income of his said business of selling of intoxicated substance and at that time was at large being released on bail. The co accused Punjab Singh also engaged applicant/accused Bikramjit Singh and the co accused Baljinder @ Sonu for selling of intoxicated substances and the applicant/accused and co accused were coming on scooter no.PB 09AH 8638 with heavy quantity of Heroin given by Punjab Singh to them for supply of the same to customers and could be apprehended red handed and in the meantime the applicant/accused and co accused Baljinder @ Sonu were seen coming on the aforesaid scooter and were apprehended by the investigating officer with the help of other police officials during the course of which, the co accused Baljinder @ Sonu had thrown away a polythene bag on the road side and the same polythene bag on checking was found having Heroin which on weighing came to be 45 grams. The investigating officer drafted

as ruqa and sent the same to the police station and the FIR of the present case on the basis of the same was registered against the applicant/accused and co-accused Baljinder @ Sonu and Punjab Singh and the investigation was initiated, during the course of which, the applicant/accused and the co accused Baljinder @ Sonu were arrested, scooter was taken into police custody and accused Punjab Singh is still at large and the investigation is still pending for conclusion with regard to the same.

4. The main stand of the applicant/accused is that the applicant/accused is innocent person, has been falsely implicated in this case and there is no direct or indirect evidence to connect him with the commission of crime. The applicant/accused, as per his next stand, is in judicial custody since 24.07.2023 and is not required for custodial interrogation and the prayer has been made for releasing him on bail, in terms of which, the record after hearing the arguments, has been perused and it is found that SI Labh Singh, has suffered a statement that total recovery of 45 grams Heroin was recovered from the applicant/accused and the co accused Baljinder @ Sonu @ Shell arrested on 24.07.2023 in this case and same applicant/accused and co accused had suffered disclosure statement and had nominated Punjab Singh as co accused in this case and the same accused co accused was arrayed as accused in the FIR of the present case. The perusal of the record shows that the applicant/accused and co accused were arrested on the basis of secret information that they were hired by the co accused Punjab Singh for supply of Heroin on his said scooter and the applicant/accused and co-accused were found in possession of Heroin

as stated above. The perusal of police file also reveals that there are 12 criminal cases against the co accused Punjab Singh including two cases bearing FIR no.143/13 PS Badsar, Himachal Pradesh and bearing FIR no.88 of 2016 PS Kotwali Kapurthala of NDPS Act, since 2013 till date and the co-accused Punjab Singh is still at large. The applicant/accused being arrested on 24.07.2023 as per present case, is in judicial custody since then and 45 grams of Heroin was recovered from the applicant/accused and co accused Baljinder @ Sonu @ Shell as also stated above and the quantity of Heroin, as per table of the NDPS Act, is falling within the ambit of “non commercial quantity” and more over the presentation of challan and conclusion of trial shall take long time and no any useful purpose will be served by detaining the applicant/accused behind bars for any more indefinite period and resulting of which, the application for bail filed on behalf of applicant/ accused is allowed and applicant-accused is ordered to be released on bail on furnishing his personal bond in the sum of Rs.100,000/- with one surety of alike amount subject to following conditions:-

1. That applicant/accused in any manner will not tamper with the prosecution evidence;
2. That applicant/accused will appear in the court on each and every date of hearing to be fixed in the trial pending against them
3. That applicant/accused will not leave the territory of India without prior permission of the Court.

The applicant shall not take any benefit of this order on account of jumping from bail thereafter on any eventuality of any kind. The copy

of this order be kept on the remand papers pending against the applicant/accused. The record of the application for bail moved by the applicant/ accused be consigned to record room (J) Kapurthala.

Pronounced in the open Court
Dt.31.08.2023
(*Nirlep Kaur*)

(Ajaib Singh)
Judge Special Court,
Kapurthala
(UID No.PB0120)

directly dictated on computer

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Bikramjit Singh Vs. State

Present Sh. TS Sharma, Advocate for applicant/accused.
Sh. Manoj Kumar, learned Addl. PP for State duly also
assisted by SI Labh Singh, No.212/JAL(R) CIA Staff
District Kapurthala.

The arguments with regard to the application for bail moved
by the applicant are heard after recording statement of SI Labh Singh and
the same application vide separate detailed order of even date has been
allowed as stated there in the same. The record has also been ordered to
be consigned to record room (J) Kapurthala.

Pronounced in the open Court
Dt.31.08.2023
(*Nirlep Kaur*)

(Ajaib Singh)
Judge Special Court,
Kapurthala
(UID No.PB0120)