

IN THE COURT OF DR RAM KUMAR SINGLA

UID No. PB-0122

JUDGE SPECIAL COURT

KAPURTHALA

CNR No.

PBKP010036282020



Case No. BA/1785/2020

Presented on : 08-09-2020

Registered on : 08-09-2020

Decided on : 11-09-2020

Balwinder Singh @ Lali, s/o Ajit Singh @ Jit Singh, aged about 53 years,
r/o Village Ramidi, Police Station Subanpur, District Kapurthala.

.... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.25 of 28.02.2018,
U/s 379, 411 of Indian Penal Code and
Section 22 of NDPS Act, 1985,
Police Station – Sadar, Kapurthala.

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

Present: Sh.B.J.S.Bajwa, Advocate for the applicant/accused.
Sh.Arvind Sahai, Addl. Public Prosecutor for the State.

O R D E R

The present bail application has been entertained being
an urgent hearing while performing duty in the period of closure of

courts because of pandemic Covid-19.

2. Record received and perused. **Arguments have been heard** on regular bail of above referred applicant/accused Balwinder Singh @ Lali in the aforesaid FIR No.25 of 28.02.2018, who is in custody in this case since his re-arrest.

3. The prosecution allegations in brief to be discussed for disposal of present bail application are that the applicant / accused Balwinder Singh @ Lali along with Palwinder Singh was facing the trial pertaining to the aforesaid FIR No.25 of 28.02.2018, having the charges against him for the offence punishable under section 22 of NDPS Act and 411 of Indian Penal Code, as framed by the learned trial court on 26.10.2018 having the allegations that 50 tablets of Alprazolam and one stolen motorcycle bearing registration No.PB-07-P-6578 were recovered from him. Similarly, 50 tablets of Alprazolam and one stolen motorcycle bearing registration No.PB-07-P-9511 was recovered from non applicant Palwinder Singh on 28.02.2018 at about 09.05 AM in the area of Village Kot Krar Khan. They both remained on bail while facing the trial, however, the absence of Balwinder Singh from the trial proceedings led to his custody since 28.02.2020 to procure his presence in this trial. Now, aggrieved therefrom, he has preferred the present regular bail application, whereas his co-accused is still on regular bail.

4. Now to this episode, the accused is in custody since his re-arrest finding his that unwarranted act and his period of custody till date is sufficient to remind him not to absent from the proceedings of the trial.

He cannot be punished before the trial. The conclusion of trial will take its long time as it has become an old case having the episode of 2018. To these facts and circumstances, the applicant cannot be detained for an indefinite period. Moreover, the alleged recovery from the applicant is also falls within the preview of non-commercial quantity.

5. Moreover, in view of the precautionary measures in wake of Pandemic Novel Coronavirus (Covid-19) and in view of the already issued instructions by our Hon'ble High Court, the present bail application stands allowed and the applicant is hereby admitted on **regular bail**. Accused is directed to furnish personal bonds to the tune of Rs.50,000/-with the 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.

6. Accordingly, bail application stands disposed of as allowed and be attached with the main case file of this FIR pending for 05.10.2020. Record be returned accordingly.

Pronounced in open Court.

Dated:11.09.2020.

Kaushal Kumar

(Dr Ram Kumar Singla)

Judge Special Court,

Kapurthala,(Duty).

(UID No. PB-0122).