

**IN THE COURT OF KIRAN BALA, ADDITIONAL SESSIONS
JUDGE, BATHINDA. (UID No. PB-0147)**

CRN No. BA/1707/2020
CNR No. PBBT01-004125-2020
Decided on : 7.7.2020

State

Versus

Jagseer Singh @ Jaggi aged
about 40 years, s/o Inder Singh,
resident of village Mandi Kalan,
P.S. Balianwali, Distt. Bathinda.
..... Accused/Applicant.

Bail Application U/s 439 of Cr.P.C.

FIR No. 68 of 12.6.2020
U/s 22/29 NDPS Act
P.S. City Rampura, Distt. Bathinda.

Present : Sh. Randhir Kaushal, counsel for the applicant/accused.
Sh. J.S. Gill, Addl. PP for the State.

ORDER:

1. The instant bail application for grant of regular bail under section 439 of Cr.P.C., has been filed by the aforesaid applicant, who has been named as accused in above referred FIR.
2. As per averments made by the accused/applicant, he has falsely been implicated as to alleged recovery and nothing incriminating was recovered from the accused/applicant. It is further submitted that the alleged recovery has been effected from co-accused. Moreover, the alleged recovery has already been effected from co-accused. The prosecution story against the accused/applicant is highly doubtful and improbable. The present case is registered after due deliberations and consultations Completion of investigation and presentation of challan will take considerable time and no useful

purpose would be served by detaining the applicant/accused behind bars, who is in custody since long. As such, he should be granted the benefit of bail.

3. No formal reply was filed, but, grant of bail was opposed by learned Addl. Public Prosecutor for the State that such type of recoveries are against the interest of society and accused/applicant should not be granted bail.
4. I have heard learned counsel for the applicant/accused, learned Addl. Public Prosecutor for the State and gone through the material on record. Arguments have been made ad-verbatim.
5. As per the prosecution version, on 12.6.2020 police party headed by SI Gurpreet Kaur apprehended co-accused Sukhpal Singh along with 1000 tablets of Clovidol-100 SR, without any valid permit or license. During investigation, co-accused Sukhpal Singh disclosed that the recovered tablets/contraband were given to him for sale by accused/applicant Jagsir Singh @ Jaggi, who was an RMP. The report of chemical examiner/FSL is yet to be received. There are allegations against the accused/applicant that he was supplier of the contraband recovered from the possession of co-accused Sukhpal Singh, which in all probability is to fall within the ambit of commercial category. In view of afore mentioned facts and the fact that as per section 37 of NDPS Act, bail can only be granted to the accused for offences involving commercial quantity where the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail. However, there are no reasonable grounds for believing that accused

is not guilty of the contraband recovered from him. The bail is hit by Section 37 of NDPS Act and as such, at this stage, I do not deem it a fit case to grant concession of bail to the accused/applicant. Hence the application in hand, is hereby dismissed keeping in view the huge recovery and gravity of offence. Police record be returned forthwith. Record of the present bail application along with this order be tagged with the remand papers by the Ahlmad of concerned court.

Pronounced in open Court.

Dated: 7.7.2020.

(Kiran Bala),
Addl. Sessions Judge, (D),
Bathinda.
(UID No : PB0147)

Suraj Mohan SG-II.

CRN No. BA/1707/2020
CNR No. PBBT01-004125-2020

State Vs. Jagseer Singh

Present : Sh. Randhir Kaushal, counsel for the applicant/accused.
Sh. J.S. Gill, Addl. PP for the State.

Police record produced. Arguments heard. Vide my separate order of even date, the instant bail application is dismissed. Police record be returned forthwith. Record of the present bail application along with this order be tagged with the remand papers by the Ahlmad of concerned court.

Pronounced in open Court.

Dated: 7.7.2020.

(Kiran Bala),
Addl. Sessions Judge, (D)
Bathinda.
(UID No : PB0147)

Suraj Mohan SG-II.