

**IN THE COURT OF SH. DEVINDER KUMAR GUPTA,
JUDGE SPECIAL COURT, SAS NAGAR, MOHALI. (UID
NO. PB00520)**

B.A. No. 297 of 29.09.2021
CIS no. 2336 of 2021
CNR No. PBSA01-008111-2021
Decided on.07.10.2021

Samual aged about 30 years son of Tarsem Singh, resident of Guru
Ram Das Nagar, Ferozepur City, District Ferozepur, Punjab.

.....Accused/applicant.

Versus.

State of Punjab

....Respondent.

FIR No.31 dated 17.04.2021
U/s. 392, 395, 384 of IPC
Section: 21, 22, 29 of NDPS Act,
Section: 25, 54, 59 of Arms Act,
Offence 465, 467, 468, 471 IPC added lateron
P.S. Sadar Kurali, SAS Nagar, (Mohali)

Bail application under Section 439 Cr.P.C.

Present: Sh. H.S. Pannu, Adv, counsel for accused/applicant.
Sh. S.S. Sahota, Addl. PP for the State.

ORDER:-

1. This order of mine shall dispose of bail application filed
by accused/applicant seeking regular bail in terms of Section 439
Cr.P.C. arising out of above said FIR.

2. Notice of bail application was issued to the State and
learned Addl. PP for the State has put in appearance. Record of
investigation summoned and received.

3. I have heard the learned Counsel for the accused/applicant,
learned Addl. PP for the State and also perused the record.

4. The learned counsel for accused/applicant argued that

accused/applicant is quite innocent and have been falsely implicated in the present case by the police. He further argued that the present FIR has been registered on the basis of secret information received by ASI Talwinder Singh that accused and some other co-accused are absconder in many cases of smuggling of drugs, extortion and dacoity and killings and they can be arrested from the area of Singhpura, Kurali and Kharar. He further argued that the accused/applicant has no link with other alleged co-accused. He further argued that the accused/applicant was arrested from his home at Ferozepur and nothing incriminating was recovered from the accused while he was forcibly picked up from his house. He further argued that 3 live cartridges and one country made pistol (Katta) was planted upon him by the police later on. He further argued that no drugs were recovered from him. The accused/ applicant is in custody since 08.05.2021. He further argued that the presentation of challan and thereafter conclusion of its trial will take sufficient time and no useful purpose would be served by detaining the accused/ applicant behind bars indefinitely. He has prayed for grant of regular bail to the accused/applicant.

5. On the other hand, learned Additional Public Prosecutor have vehemently opposed the bail application on the ground of gravity and seriousness of allegations. He further argued that present case pertains to heavy recovery of 1kg-260 grams of Heroin and illegal arms. The accused/applicant is also actively involved in the present crime alongwith his other co accused. He further argued that another case under the NDPS Act has also been pending against the present

accused/applicant at Ludhiana which shows that he is a habitual offender. He further argued that possibility of the tempering of prosecution evidence and absconding of the accused/applicant if, released on bail cannot be ruled out. He has prayed for dismissal of bail application.

6. After giving thoughtful consideration to the rival contentions and going through the record of the case, this Court is of the considered view that the instant bail application deserves dismissal. As per the case of the prosecution, the present case has been registered on the basis of secret information received by ASI Talwinder Singh against **Samuel (bail applicant)**, Ravi, Jaipal Singh, Karanbir Singh, Rohit Kumar, Neeraj Kumar, Deepak Kumar, Karanvir Singh @ Kanna, Ravinder, Iqbal Singh @ Rubal, Gurjashanpreet Singh and Harmanjit Singh and others unknown persons. It is pertinent to mention here that during investigation, one Gavy @ Vijay Kumar was arrested in the present case on 26.04.2021 and 1kg of Heroin and two pistols and live cartridges were got recovered by the said Gavy @ Vijay Kumar.

The accused/applicant Samuel (present bail applicant) was arrested in the present case on 08.05.2021 when he was sitting on the bench outside one meat Shop at Bus Stand Kurali. During investigation, accused Samuel get recovered one pistol 315 bore along with 3 live cartridges from the bushes adjoining to Dusarna bridge. Further, the accused/applicant has also admitted that the said pistol and cartridges were given to him by the accused Gavy which shows his active involvement in the criminal activities of the said group and

prima facie shows the inter se link of the present accused/applicant with the other accused and further shows that the present accused/applicant is also the active member of a group of gangsters involved in the sale and purchase of narcotics and intoxicants, illegal arms stolen vehicles, extortion, dacoity and murder etc. Thus, allegations against the accused/applicant are very grave and serious in nature. The accused/applicant is duly named in the FIR. At this stage there are clear and serious allegations against the accused/applicant about his involvement in the present crime and he is the active member of a group of gangsters involved in the sale and purchase of narcotics and intoxicants, illegal arms, stolen vehicles, extortion, dacoity and murder etc.

The present case pertains to the heavy recovery of 1kg-260 grams of Heroin as well as of illegal arms and cartridges. Moreover, section 29 of the NDPS Act has also been added by the prosecution in the present case. The punishment as provided under Section 29 of the NDPS Act is same as of the main offence. The present case is still at the initial stage of investigation. At this stage, it cannot be said that the bail applicant has been falsely implicated in the present case. Further, as per prosecution, one more case under the NDPS Act is also pending against the present accused/applicant at Ludhiana. Moreover, the possibility of the accused/applicant for again indulging in the similar criminal activities or offences if, released on bail cannot be totally ruled out. Thus, keeping in view the gravity and seriousness of the allegations, no ground to release the accused/ applicant on bail is made

out. The bail application is accordingly dismissed. Police record be returned and papers of bail application file attached with the remand papers.

Pronounced:
07.10.2021

(Devinder Kumar Gupta)
Judge, Special Court,
S.A.S. Nagar, (Mohali).
(UID no. PB00520)

Bhupinder Singh
Stenographer-II

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Samual Vs. State

Present: Sh. H.S. Pannu, Adv, counsel for accused/applicant.
Sh. S.S. Sahota, Addl. PP for the State.

Record of investigation received and perused. Arguments heard. Vide my separate detailed order of even date, the bail application stands dismissed. Police record be returned. Bail application papers be attached with remand papers.

Pronounced:
07.10.2021

(Devinder Kumar Gupta)
Judge, Special Court,
S.A.S. Nagar, (Mohali).
(UID no. PB00520)

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