

State of Punjab Jatinder Singh

Gurpreet Singh Vs. State of Punjab

UID No.PB0208

CNR No.PBRO01-0005362024

CIS No.BA/152/2024

CNR No.PBRO01-0005702024

CIS No.BA/164/2024

PBRO010005362024



Presented on : 30-01-2024
Registered on : 30-01-2024
Decided on : 08-02-2024
Duration : 0 years, 0 months, 9 days

PBRO010005702024



Presented on : 01-02-2024
Registered on : 01-02-2024
Decided on : 08-02-2024
Duration : 0 years, 0 months, 7 days

**IN THE COURT OF MOHIT BANSAL
JUDGE SPECIAL COURT, RUPNAGAR
(UID No.PB0208)**

(Bail application No.1)

**State of Punjab
Vs.
Jatinder Singh**

(Bail application No.2)

**State of Punjab
Vs.
Gurpreet Singh**

FIR No.0001 dated 01.01.2024
U/s: 22, 29-61-85 of NDPS Act
Police Station: Singh Bhagwantpur.

Present: Sh. M.S Dhindsa Advocate, Ld. Counsel for applicant-accused Jatinder Singh @ Jindi
Sh. V.K Sharma Advocate, Ld. Counsel for applicant-accused Gurpreet Singh.
Sh. Dhanesh Kumar, Ld. Addl. PP for the State along with ASI Advinder Kumar No.727/R, PS Singh Bhagwantpur.

ORDER:

1. Vide present common order both the bail applications under Section 439 Cr.P.C relating to the same FIR, filed by the

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applicants/accused Jatinder Singh and Gurpreet Singh, are being disposed of.

2. Notice of both the bail applications under Section 439 Cr.P.C was given to the State for today. Reply to the bail applications has not been filed. Police record has been produced by ASI Davinder Kumar No.727/R, Police Station Singh Bhagwantpur.

3. It is averred in the bail application No.1 filed by the applicant-accused Jatinder Singh that the applicant-accused is innocent and he has been falsely implicated in the present case by the police. Nothing has to be recovered from the applicant-accused. The applicant is in judicial custody. With these averments a prayer for allowing the instant bail application has been made.

4. It is averred in the bail application No.2 filed on behalf of the applicant-accused Gurpreet Singh that the applicant is innocent and has not committed any offence. The applicant had gone to take bread from Salapur Chowk in his own car and a footage at about 3:30 P.M has been recorded in the cameras installed adjoining to the house of accused. When the applicant was coming back after purchasing bread, in the meantime, a swift car No.PB-12-AA-1736 owned by a resident of Village of applicant was already parked at Salapur Chowk where a Scorpio car also came from Ropar side and said Scorpio was stopped in front of Swift car. Many persons were gathered there and therefore, the applicant also

went to see as to what is happening there. The police lifted the applicant as the accused Jatinder Singh was known to him.

5. It is averred that the applicant has been falsely implicated in the present FIR. Nothing has been recovered from the applicant-accused and a false recovery has been planted against him. With these submissions, a prayer for allowing the instant bail application has been made.

SUBMISSIONS ON BEHALF OF ACCUSED JATINDER SINGH

6. Sh. M.S Dhindsa Advocate, Ld. Counsel for the applicant-accused Jatinder Singh has submitted that the accused has been falsely implicated in the present case and the accused is in custody 01.01.2024. There is no other FIR against the accused. Upon this, a prayer for releasing the accused Jatinder Singh on bail, has been made.

7. On the other hand, the Learned Addl. PP for the State has submitted that 50 grams of intoxicant powder has been recovered from the accused. The report of FSL has not been received. The vehicle in which accused Jatinder Singh was traveling, is owned by father of accused Jatinder Singh. Upon this, a prayer for dismissal of the bail application, has been made.

SUBMISSIONS ON BEHALF OF ACCUSED GURPREET SINGH

8. Sh. V.K Sharma Advocate, Ld. Counsel for the applicant-accused Gurpreet Singh has submitted that as per the allegations in the FIR, accused Jatinder Singh was driving the vehicle and he had thrown the

packets stated to contain contraband. The applicant-accused Gurpreet Singh is stated to be sat on the conductor seat.

9. The Learned Counsel has submitted that accused Gurpreet Singh has been falsely implicated in the present case. He was not present at the spot rather he had gone on his own car and the accused Jatinder Singh had called him being co-villager whereupon, the police have falsely implicated him in the present case. The Learned Counsel has submitted that accused Gurpreet Singh may be released on bail.

10. On the other hand, the Learned Addl. PP for the State has opposed the bail application as the accused were being in possession of 50 grams of intoxicant powder and a prayer for dismissal of the bail application, has been made.

11. I have heard the rival submissions and perused the record carefully.

12. The applicants-accused Jatinder Singh and Gurpreet Singh are in custody since 01.01.2024 on being in alleged possession of 50 gram intoxicant powder. The alleged recovery has been effected from the accused. The report of FSL has not been received yet. Therefore, no useful purpose shall be served by keeping the accused behind the bars for a longer period. As such, accused Jatinder Singh and Gurpreet Singh are ordered to be released on interim bail subject to furnishing bail bonds in the sum of Rs.50,000/-each with one surety of the like amount each

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subject to the following conditions:-

- i) that they shall attend the Court on each and every date of hearing;*
- ii) that they shall not leave India without prior permission of the trial Court;*
- iii) that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;*
- iv) that this bail order is further subject to the condition that in case, after receipt of FSL report, the contents of alleged recovered material turn out to be something else constituting Commercial Quantity then this bail order shall come to an end and the applicants shall surrender before the Court.*

13. Bail applications filed on behalf of applicants-accused Jatinder Singh and Gurpreet Singh, are disposed of accordingly. Copy of this order be sent to the Learned Ilqa Magistrate/Duty Magistrate for compliance.

14. Any observation made herein is limited to the purpose of deciding of the present bail applications.

8. Police file be returned. Papers be attached with the relevant remand papers.

Pronounced in open Court:-
Dated: 08.02.2024

Anis STG-II

(Mohit Bansal),
UID No.PB0208
Judge Special Court
Rupnagar