

**IN THE COURT OF SH. DINESH KUMAR,
JUDGE, SPECIAL COURT,
MANSA.
(UID NO.PB0445)**

Bail Application No.553 of 17.11.2020
CIS No. BA/1682/2020
CNR No.PBMN01-003786-2020
Date of Order: 20.11.2020

Gurdeep Singh alias Keepa age about 27 years son of Balwant Singh resident of ward No.1, Talwari Road Village Talwara, District Fatehabad, now in Judicial Custody.

..Applicant-accused.

Versus.

State of Punjab

FIR No.159 of 19.10.2020,
U/S 22-25-29-61-85 NDPS Act,
PS Sadar Budhlada, District Mansa.

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

Present: Sh.Varinder Singla, Advocate, for applicant-accused.
Ms.Parminster Kaur, Additional PP for respondent-State.

BAIL ORDER

1. This order of mine shall dispose of regular bail application moved by the applicant-accused in the above said FIR.
2. Learned counsel for the applicant/accused has argued that the

applicant-accused is innocent and has been falsely implicated in this case. Nothing was recovered from his possession. He has not committed any offence and the allegations raised by the prosecution are false and concocted one. He was arrested on 19.10.2020 and since then, he is in custody and is no more required for further investigation. The alleged recovery is non commercial in nature and the presentation of challan is likely to take considerable time. With these submissions, he prayed for grant of bail to the applicant/accused.

2. Upon notice, Learned Additional PP appeared for State and opposed the bail application on the ground that offence committed by the accused is serious in nature and he is not entitled for concession of regular bail.

3. I have heard learned counsel for the applicant-accused, learned Addl. PP for the State and perused the police carefully.

4. As per case of the prosecution, 400 tablets of Tricore-SR were recovered from the conscious possession of the accused and applicant-accused is in custody since 19.10.2020. The report of Chemical Analyst has not been received so far. The prosecution has sought 15 more days for submission of report. In **Inderjit Singh alias Laddi Vs. State of Punjab, Criminal Misc No.13140 of 2012, decided on 31.01.2014**, the Hon'ble Division Bench has held that in the matter related to NDPS Act cases, the delay in testing the sample does result prejudice to alleged offender as till the results are available, there can be no definite certainty with regard to the contraband. It is further held that where there is likelihood of delay in the FSL report, the accused may be released on bail. Applying the aforesaid

ratio of law to the facts and circumstances of the case, this Court is of the considered view that the applicant is entitled to interim bail till the receipt of FSL report. As such, the applicant-accused is ordered to be released on interim bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with one surety in the like amount subject to the conditions which may be found in the report of FSL. Ld. Addl. PP for State/Investigating Officer is directed to ensure that report of Chemical Examiner be produced in the court immediately as and when same is received. It is made clear that this interim bail is granted to the applicant till the receipt of FSL report in the Court. On receipt of report, the applicant shall surrender before the court and his bail plea shall be considered in the light of FSL report. Needless to mention, the present bail is granted subject to the following conditions:

1. that he shall appear in the court on each and every date of hearing;
2. that he will not leave India without prior permission of the court;
3. that he shall not tamper with the evidence of prosecution.

The bail application is disposed of accordingly. Police record be returned. File be attached with the remand papers.

Pronounced/20.11.2020

Raj/SG-1

(Dinesh Kumar),
Judge, Special Court,
Mansa.
(UID No.PB0445)

State Vs. Gurdeep Singh alias Keepa

Present: Sh.Varinder Singla, Advocate, for applicant-accused.
Ms.Parminder Kaur, Additional PP for respondent-State.
Arguments heard. Vide my separate detailed order of even date,
interim bail has been granted to the accused and bail application is disposed
of accordingly. Police record be returned. Bail application papers be
appended along with the main case file/ remand papers.

Pronounced/20.11.2020

Raj/SG-1

(Dinesh Kumar),
Judge, Special Court,
Mansa.
(UID No.PB0445)