

**IN THE COURT OF SHRI PUSHVINDER SINGH, UID No.PB0116,
JUDGE SPECIAL COURT, AMRITSAR.**

BAIL APPLICATION NO. : 2327 of 2019
CNR NO. : PBAS01-012368-2019
DATE OF INSTITUTION : 03.05.2019
DATE OF ORDER : 09.05.2019

STATE Vs Lakhwinder Singh alias Lakha, aged about 42 years, son
 of Kashmir Singh, resident of Local Bus Stand, Jandiala,
 Amritsar.

APPLICANT-ACCUSED

FIRST INFORMATION : 99 of dated 10.04.2019
REPORT NO.

UNDER SECTIONS : 22 of the Narcotic
 Drugs and Psychotropic
 Substances Act, 1985

POLICE STATION : Jandiala, Amritsar

Ist Bail application under section 439 Cr.P.C for the grant of
 regular bail.

PRESENT:-Shri S.K.Saini,counsel for applicant-accused.

Shri Onkardeep Singh Malhi, Addl.P.P. for the State.

ORDER

1. Applicant-accused Lakhwinder Singh alias Lakha, aforesaid,
 has filed the present bail application under section 439 Cr.PC in the above-
 mentioned FIR, for the grant of regular bail stating that he is innocent and
 has been falsely implicated in this case. He further stated that he is in
 custody since 10.04.2019 and nothing has been recovered from his

possession and he is no more required for further investigation. Presentation of challan and thereafter conclusion of trial is likely to take a considerable long time and no useful purpose would be served by detaining the applicant-accused behind the bars for indefinite period. Therefore, he may be granted regular bail.

2. Notice of bail application application was given to State. Learned Additional Public Prosecutor appeared on behalf of State and opposed the bail application. Investigating Officer also came present alongwith Police file.

3. Learned Additional Public Prosecutor for State has opposed the bail application and submitted that grave and serious allegations have been levelled against the applicant/accused. On these assertions, he has prayed for dismissal of bail application.

4. On the other hand learned counsel for the applicant-accused argued that applicant-accused has been implicated in the false case. He is in custody since 10.04.2019. No useful purpose will be served by detaining the applicant-accused behind the bar for indefinite period. Therefore, the applicant-accused may be granted regular bail.

5. From the submissions of learned Addl.P.P for the State, learned counsel for the applicant-accused and from the perusal of the record, I find that the applicant-accused was allegedly found in conscious possession of 110 loose intoxicant tablets without label on 10.04.2019 without any legal permit or licence. The applicant-accused has already been sent to judicial custody on the request of the prosecution. The applicant-accused is in

custody from 10.04.2019. The report of chemical examiner has not been received so far. There is nothing on the record at this stage to show with certainty that the substance seized from accused was intoxicant. Until that report is received, it would not possible to hold with reasonable ground that the applicant was guilty of the offence under section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985. Division Bench of Hon'ble Punjab & Haryana High Court in **CRM No. M-13140 of 2012 Inderjeet Singh @ Laddi Versus State of Punjab and CRM No. M-1379 of 2013 Ravinder Singh @ Rinku Versus State of Punjab, decided on 31.01.2014** observed that in case there is delay in the report of the Chemical Analysis, this would entitle the accused to the interim bail, till the report is finally received. This Court is, in these circumstances, satisfied that the applicant can be granted interim bail subject to appropriate terms and conditions.

6. In the result, this application is allowed. The applicant shall be released on bail on the following terms and conditions:-

- i. That the applicant shall execute a bond for Rs.50,000/- with one surety in the like amount.
- ii. The applicant shall also undertake that in case as per report of Chemical Examiner the alleged recovery from the accused becomes of commercial quantity, then in that eventuality, he shall surrender before this Court and interim bail granted to the accused shall deemed to be canceled automatically.

7. Without expressing anything on the merit of the case, the instant bail application stands disposed of, in the terms stated above. Bail application be attached with the remand papers.

PRONOUNCED IN OPEN COURT.

DATED : 09.05.2019

***(PUSHVINDER SINGH)
JUDGE, SPECIAL COURT,
AMRITSAR
UID No. : PB0116***

Naresh Kumar
Stenographer(Grade-II)

I certify to the accuracy
and the authenticity
of this document