

**In the Court of Jaspal Verma,
Additional Sessions Judge-II, Kapurthala**

CNR No.
PBKP010056722022



Case No. BA/2319/2022

Presented on : 16-11-2022

Registered on : 16-11-2022

Decided on : 01-02-2023

FIR No.149 dated 05.10.2022
U/S 22/61/85 of NDPS Act r/w Sec
379,411 IPC.
P.S. Subhanpur, District Kapurthala.

Rajpreet Singh @ Raja aged about 26 years s/o Harbhajan Singh R/o
Habibwal, PS Begowal, District Kapurthala.

.....Accused/applicant.

Versus

State of Punjab.

.....Respondent.

Bail application under Section 439 CrPC.

Present: Sh. S.S. Dhaliwal, Advocate for the applicant/accused.
Ms. Meetu Sheanhmar, Addl. PP for the State

ORDER

1) This order of mine shall dispose of regular bail application moved by the applicant/accused ***Rajpreet Singh @ Raja*** in this case bearing FIR No.149 dated 05.10.2022, under Section 22/61/85 of NDPS Act and later on added section 379, 411 of IPC, P.S. Subhanpur, District Kapurthala, wherein it is submitted that the

police of P.S. Subhanpur, District Kapurthala has registered a false case against the applicant-accused although he has nothing to do with the commission of any alleged crime. The alleged recovery has already been affected and nothing is now to be recovered from the applicant/accused. The applicant/accused was arrested on 05.10.2022 and since then he is in judicial custody and is no more required for further investigation. There is no apprehension of absconding of applicant/accused or tampering with the prosecution evidence. The prosecution has to prove the case against the applicant/accused during trial. Challan has not yet been presented in the court. Presentation of challan and its disposal is likely to take considerable time. Even the report of chemical examination laboratory has not yet been received. So, he be released on bail.

2) Notice of the bail application was given to the State and APP appeared on its behalf. Report from APP was called for and its perusal shows that no bail application of the accused/applicant is pending or decided in the present case before the Hon'ble High Court. However, no reply to the bail application was filed but APP for the State orally contested the bail application.

3) I have heard counsel for the applicant/accused, Addl. PP for the State and carefully perused the police file produced from P.S. Subhanpur, District Kapurthala.

4) As per the FIR, the accused Balvir Singh was found in his conscious possession of 260 intoxicant tablets. Applicant/accused is in judicial custody since 05.10.2022. Recovery has already been

affected from his possession. A stolen motorcycle bearing no. PB 09 AM 7379 was also found from his possession. The reminder was sent to FSL to expedite report but the same has not been received till date. The applicant/accused is not required for further investigation of the case. The presentation and disposal of challan is likely to take considerable time. No useful purpose would be served by detaining the accused behind the bars and rather it would be a burden upon the State exchequer. As the report of FSL has not been received despite sending the reminder to expedite the report, therefore, the applicant/accused ***Rajpreet Singh @ Raja*** is ordered to be released on ***interim bail*** in this case on his furnishing personal bonds in the sum of Rs.One Lac with one surety in the like amount subject to the conditions that he will appear in the Court on each and every date of hearing, he will not tamper with the prosecution evidence, he will not leave India without prior permission of this Court and shall surrender in the Court, in case, the recovered quantity of intoxicant tablets is found to be commercial on receipt of the report of the Chemical Examiner.

5) As such, Superintendent, Modern Jail, Kapurthala is directed to release the accused on bail on receipt of his personal bonds and surety bonds for a sum of Rs.1,00,000/- after complying with the administrative instructions/guidelines issued in view of the outbreak of Covid-19 including maintaining of social distance of preventing community transmission.

6) The copy of this order alongwith release warrants be sent

to the Superintendent, Central Jail, Kapurthala/concerned jail. Further the Superintendent, Central Jail, Kapurthala/concerned jail is directed to send the personal bonds after being attested to the court at the earliest. Bail application is allowed accordingly. Police record be returned. Bail application be attached with the main case file/remand papers.

**Pronounced in open Court
Dt.01.02.2023
(Abhika Rawat)**

**(Jaspal Verma),
Judge Special Court,
Kapurthala (UID No.PB0136)**