

PBGD010030372020



Presented on : 27-05-2020
Registered on : 27-05-2020
Decided on : 30-05-2020
Duration : 0 years, 0 months, 3 days

IN THE COURT OF
Additional District and Sessions Judge
AT ,Gurdaspur
(Presided Over by Sh. Krishan Kumar Singla)

BA/1416/2020

1. Sukhwinder Singh @ Kaka aged 23 years son of Bachan Singh, resident of Village Haruwal, PS Dera Baba Nanak, Tehsil & District Gurdaspur.
2. Rupinder Singh aged about 27 years son of Sajjn Singh, resident of Village Haruwal, PS Dera Baba Nanak, District Gurdaspur.
3. Samuel Masih aged about 26 years, son of Hansa Masih, resident of village Machhrala, PS Dera Baba Nanak, District Gurdaspur.

.....applicants/petitioner

State of Punjab

.....respondent

FIR no. 28 dated 28.04.2020
u/s 21/22/29/61/85 NDPS Act
PS Fatehgarh Churian.

First petition u/s 439 Cr.P.C.

Present : Sh Rajinder Kumar Advocate counsel for
accused/applicant. (through Video conferencing)
Sh. Vikram Kashyap Addl. P.P for the State(through video
conferencing).

ORDER

1. File put up before me being Duty Judge in view of
order dated 30.3.2020 bearing NO.2/SPL/RG/Misc. of Hon'ble

Punjab and Haryana High Court and order of Id. District and Sessions Judge, Gurdaspur, bearing Endst. No.7142-7150/P2C dated 30.3.2020. This file has been received by entrustment also.

2. Present bail application has been filed under Section 439 Cr. P.C on behalf of accused/applicant persons namely Sukhwinder Singh @ Kaka, Rupinder Singh and Samuel Masih for grant of regular bail in FIR No. 28 dated 28.04.2020 Under Section 21/22/29/61/85 of NDPS Act, Act registered at P.S. Fatehgarh Churian. Alongwith regular bail application, another application for grant of interim bail has also been moved by applicant/accused.
3. Allegations are that 4 gm heroin and 150 intoxicant tablets were recovered from applicant/accused persons namely Sukhwinder Singh @ Kaka, Rupinder Singh and Samuel Masih without any permit or license.
4. Notice of the bail application was given to the State. Sh. Vikram Kashyap, learned Additional P.P. has put in appearance on behalf of the State.
5. Learned counsel for applicant has contended that the applicant is innocent and has been falsely implicated in this case. He further contended that the applicant/accused is in custody since 29.04.2020 and prayed that he be released on interim bail.
6. On the other hand, learned Additional Public Prosecutor has opposed the bail application on the ground of gravity of the offence.
7. I have heard the learned counsel for the applicant-accused, learned Additional Public prosecutor and have gone through the record on the file.
8. After going through the record on the file it is clear that in this case the applicant-accused has been booked u/s

21/22/29/61/85 NDPS Act. Allegations are that 4 gm heroin and 150 intoxicant tablets were recovered from applicant/accused without any permit or license.

9. In the given circumstances, no case for regular bail is made out. Accordingly, relief sought by applicant/accused for regular bail stands declined.
10. Concededly, report from Forensic Science Laboratory has not been received. Statement of ASI Sukhwinder Singh has been recorded to that effect. In the present case, this fact is not disputed that accused is in custody since 29.04.2020. So far as investigation is concerned, same is complete. This Court considers that decision of the trial will take sufficient long time. In these circumstances, accused can not be kept in judicial custody for any indefinite period. In view of these circumstances, without commenting upon further merits of the case, I hereby allow the application for interim bail and accused/applicant is ordered to be released on bail on his furnishing bail bonds and surety bonds in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of Illaqa/Duty Magistrate, subject to the conditions that he would not leave the country without prior permission of the court; he would not influence the witnesses of the prosecution and would appear before the trial court on each and every date of hearing and will surrender before the court as and when report of FSL is received. Copy of this order be sent to Illaqa/Duty Magistrate for compliance.
11. In view of order dated 21.04.2020 bearing Endst. no. 7307-7308/P2 passed by Ld. District & Sessions Judge, Gurdaspur and in view of order dated 30.3.2020 of Hon'ble Punjab and Haryana High Court passed in CRM no. 11952-2020 (O & M), applicant/accused is ordered to be released on bail on his furnishing personal bonds with a condition that up

4 Sukhwinder Singh @ Kaka etc. vs State of Punjab

to 30.06.2020, accused/applicant would be bound to furnish surety bonds/bail bonds.

12. However, observations made above are only for disposal of this bail application and would have no bearing on merits of the case.

13. Record of the case be returned and file of bail application be attached with the remand papers.

Pronounced
Dated:-30.05.2020

(K.K.Singla)
Judge, Special Court,
Gurdaspur Duty
UID No. PB 0197

Chanchal(Stenographer III)

5 Sukhwinder Singh @ Kaka etc. vs State of Punjab

Present : Sh. Rajinder Kumar Advocate counsel for
accused/applicant. (through video conferencing)
Sh. Vikram Kashyap Addl. P.P for the State.(through
video conferencing)

Statement of ASI Sukhwinder Singh has been recorded
today.

Arguments heard. Vide my separate detailed order
pronounced today, bail application for regular bail stands dismissed.
However, application moved with regard to release the applicant/accused
on interim bail is allowed as detailed therein. Papers of the bail
application be attached with the remand papers.

Pronounced
Dated:-30.05.2020

(K.K.Singla)
Judge, Special Court,
Gurdaspur
UID No. PB 0197

Chanchal
Stenographer-III