

CNR No.PBRO010046632025

CIS No.BA-1416-2025

Gagandeep Singh & other Vs. State of Punjab

Present: Sh. Pranav Malhotra, Advocate for the applicant/accused.
Sh. Rajinder Singh, APP for the State.

ORDER

1. Heard on first regular bail application moved by applicant/accused Gagandeep Singh son of Jarnail Singh resident of village Bhinder Kalan, Tehsil and District Moga and Manpreet Singh son of Mander Singh, resident of village Kokri Kalan, Tehsil and District Moga in case bearing FIR No.0099 dated 16.07.2025 under section 22-27-61-85 NDPS Act, Police Station City Morinda. Original file received and perused.

2. Learned counsel for the applicants-accused has submitted that no other bail application is pending or has been decided by any Court of Law. The applicants are in incarceration in connection with the above-mentioned case/FIR, in which they have been falsely implicated though they have not committed any offence whatsoever as alleged. It is a debatable issue whether applicants have committed any offence as alleged by prosecution and this can only be decided during, or at conclusion of trial and trial of present case will take sufficient long time so no useful purpose will be served by keeping the applicants behind bars for indefinite period. Applicants are not required in any manner by the investigating agency and further trial of case will take a long time so no fruitful purpose will be served by keeping applicants behind bars. It is the cardinal principle of criminal law that bail is a rule and jail is an

exception. The presumption of innocence is a basic human right of applicants,tttttttt present application may kindly be allowed, and applicants be released on regular bail till the final decision of the present case.

3. As per allegations of the prosecution, 29.95 grams of intoxicant powder has been recovered from the conscious possession of applicants/accused. On 16.07.2025, at about 9:20PM police party was going from Gumt Chowk towards new railway station Morinda. When the police party reached under the Railway station Bypass bridge, then on the left side two young men were standing on a red motorcycle. On checking, intoxicant powder were recovered from applicants/accused. Applicants/accused were arrested on 16.07.2025 and he has been remanded to judicial custody since 19.07.2025. The report of Chemical Examiner has not been received so far. Division Bench of Hon'ble Punjab & Haryana High Court in **Criminal Misc. No.1140 of 2012 decided on 30.01.2014 titled as “Inderjit Singh @ Ladi vs State of Punjab”** has held that “in case there is delay, this would entitle the offender of at least interim bail till the report is finally received”. So, keeping in view the above said recovery from the possession of applicant/accused, I am of the view that accused is entitled to get interim bail till report of Chemical Examiner is finally received as per ratio of the above said Judgment. Accordingly, the above named applicant/accused is ordered to be released on interim bail till receiving of Chemical Examiner report subject to furnishing of bail bonds in the sum of ₹75,000/- with one surety in the like amount to the satisfaction of learned Illaqa/Duty Magistrate subject to the conditions that applicant/accused will neither leave the country without prior permission of the Court nor applicant/accused will tamper with the witnesses of

the prosecution. However, it is made clear that the concession of interim bail granted to the applicant/accused shall stand cancelled automatically and the bail bonds as well as surety bonds furnished on his behalf shall be forfeited if on the basis of report of Chemical Examiner, the contraband allegedly recovered from the possession of the applicant/accused is found to be fallen in the commercial quantity. In case contraband allegedly recovered from the possession of the accused is found to have fallen in non commercial quantity, the interim order shall be confirmed automatically and bail bonds and surety bonds furnished by him as per this order shall be ordered to be treated as bail bonds and surety bonds against the final order. The applicant/accused is further directed to surrender in the Court in case contraband allegedly recovered from his possession falls in commercial quantity on receipt of report of the Chemical Examiner. Learned Illaqa/Duty Magistrate is directed to send the bail bonds and surety bonds furnished by the applicant/accused to this Court after it's attestation. Copy of bail order be sent to the Jail Superintendent, Rupnagar and District Legal Service Authority, Rupnagar.

Pronounced in open Court.

Dated: 28.08.2025

Tamanna Stenographer Gr-II.

**(Pratima Arora),
Judge, Special Court,
Rupnagar.(UID No.PB00280)**