

In the Court of Sh.Jaspal Verma,
Judge Special Court, Kapurthala (UID No.PB0136)

CNR No.PBKP010034812022



Case No. BA/1419/2022

Presented on : 09-08-2022

Registered on : 09-08-2022

Decided on : 01-10-2022

FIR No.46 dated 09.07.2022
U/S 22/61/85 of NDPS Act
P.S. Talwandi Chaudhrian, District Kapurthala.

Vidya Kaur wife of Charan Singh, resident of village Lattianwal,
Sultanpur Lodhi, District Kapurthala.

.....Accused/applicant.

Versus

State of Punjab.

.....Respondent.

Bail application under Section 439 CrPC.

Present: Sh. Sukhminder Singh, Advocate, for 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 **Vidya Kaur** in this case bearing FIR No.46 dated 09.07.2022, under Section 22/61/85 of NDPS Act, P.S. Talwandi Chaudhrian, District Kapurthala, wherein it is submitted that the police of P.S. Talwandi Chaudhrian has registered a false case against the applicant-accused although she is innocent and has not committed 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 09.07.2022 and since then she 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 who appeared. Report from the Additional Public Prosecutor for State called for and perusal of which shows that no bail application of the accused/applicant is pending in the present case before the Hon'ble High Court. However, no reply to the bail application was filed but the APP for the State orally contested the bail application.

3) I have heard learned counsel for the applicant/accused, learned Addl. PP for the State and carefully perused the police file brought by ASI Malkiat Singh from P.S. Talwandi Chaudhrian, District Kapurthala.

4) As per the FIR, the accused Vidya Kaur was found in his conscious possession of 225 grams of intoxicant powder. Applicant/accused is in custody since 09.07.2022. Recovery has already been affected from her 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 **Vidya Kaur** is ordered to be released on ***interim bail*** in this case on her furnishing personal bonds in the sum of Rs.One Lac with one surety in the like amount subject to the conditions that she will appear in the Court on each and every date of hearing, she will not tamper with the prosecution evidence, she will not leave India without prior permission of this Court and shall surrender in the Court, in case, the recovered quantity of intoxicant powder 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 her 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 filed by the applicant/accused Vidya Kaur is allowed accordingly. Police record be returned. Bail application be attached with the main case file/remand papers.

Pronounced in open Court
Dt.01.10.2022
(Arun)

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

Vidya Kaur Vs. State

CNR No.PBKP010034812022

Bail application No.1419-2022

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

Report of FSL not received despite issuance of reminder.

Arguments heard. Vide my separate detailed order of even date, interim bail has been granted to the applicant/accused ***Vidya Kaur*** and bail application is accepted accordingly. Police record be returned. Bail application be attached with the main case file/remand papers.

Pronounced in open Court
Dt.01.10.2022
(Arun)

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