

**IN THE COURT OF DARBARI LAL,
JUDGE, SPECIAL COURT, JALANDHAR (UID No. PB0087) (DUTY)**

C.I.S. No.	BA-1432/2020
C.N.R. No.	PBJL01-004518-2020
Date of Institution	23.04.2020
Date of Order	25.04.2020

Arun Kumar @ Uppal aged 36 years son of late Chaman Lal, resident of House No. B-11, 744, 11, Gandhi Nagar, Jalandhar.

..... Accused/applicant.

VERSUS

State of Punjab

.... Respondent.

FIR No. 36 dated 09.04.2020
U/s 21 of NDPS Act.
P. S. Phillaur, Jalandhar

Bail Application U/s 439 Criminal Procedure Code

Present: Sh. Karan Kalia Advocate, counsel for applicant/ accused.
Smt. Zeba Khalid, Addl.P.P. for the State.

<u>ORDER</u>

1. Present bail application put up before me being Duty Officer which has been moved on behalf of accused/ applicant, under section 439 of Criminal Procedure Code in FIR No. 36 dated 09.04.2020 P. S. Division no.2, Jalandhar under section 21 of the Narcotic Drugs & Psychotropic Substances Act but the same has not been registered. It be registered. The present bail application relates to the court undersigned.

2. Notice of the bail application has already been issued to the prosecution and Smt. Zeba Khalid Addl. P.P. for the State has appeared on behalf of State.

3. Heard. The alleged recovery effected from the possession of

accused in this case is 5 grams of Heroin. The accused/ applicant has been arrested in this case on 09.04.2020 and since then he is in custody. More than 250 grams of Heroin falls under the ambit of commercial quantity. Here, in this case, the recovered Heroin from the possession of the accused/ applicant is 5 grams which is non-commercial quantity. The presentation of challan and then conclusion of trial will take considerable time. No useful purpose shall be served by keeping the accused/applicant behind the bar for unlimited period. As such, he is ordered to be released on bail on furnishing his bail bonds for the sum of ₹50,000/- with one surety in the like amount with the following conditions:-

1. That the accused/applicant shall not tamper with the prosecution evidence.
2. That the accused/applicant shall appear before the Court on each and every date of hearing.
3. That the accused/applicant shall not leave country without prior permission of court.

4. The Hon'ble Punjab & Haryana High Court in CRM-M-11952 of 2020 (O&M) dated 30.03.2020 case titled as 'Ishu Grover @ Ishu @ Golu vs U.T. Chandigarh & other' has given specific direction that to release the applicant-accused on furnishing his personal bonds without enforcing the condition of surety bonds/bail bonds. Further that a condition can be laid down that when the situation turn to be normal, the accused would be bound to furnish surety bonds/bail bonds. In such process, all the District & Sessions Judges, in the State of Punjab, Haryana & U.T. Chandigarh shall issue appropriate directions to the police and the jail authorities. Likewise, the Directors General of Prisons and the Jail Superintendent of all the three States are also directed to comply with the

directives issued by the Courts. However, it is made clear that any accused from the jail shall only be released after complying with the administrative instructions/guidance issued in view of the outbreak of Covid-19, including maintaining of social distance and preventing community transmission.

5. As such, Superintendent, Modern Jail, Kapurthala is directed to release the accused on furnishing personal bonds for a sum of ₹50,000/- 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 with a condition that when the situation turn to be normal, the accused would be bound to furnish surety bonds/bail bonds.

6. Since, personal presence of applicant-accused cannot be secured in the court in such difficult time, it is directed that the Jail Superintendent shall obtain personal bonds from the accused-applicant in the jail. The copy of this order along with conditional release warrants be sent to the Superintendent, Central Jail, Kapurthala. Further, the Superintendent Central Jail, Kapurthala is directed to send the personal bonds after being attested to the court at the earliest.

7. Police record be returned and the file of this bail application be tagged with the remand papers.

Pronounced in open Court:

Dated: 25.04.2020

**Sushma*

(Darbari Lal)
Judge, Special Court, Jalandhar
(UID No.PB0087) (Duty)

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Arun Kumar Vs. State of Punjab

Present: Sh. Karan Kalia Advocate, counsel for applicant/ accused.
Smt. Zeba Khalid, Addl.P.P. for the State.

Heard. Vide my separate detailed order, the present bail application under section 439 of Criminal Procedure Code has been allowed. Police record be returned and the file of this bail application be tagged with the remand papers.

Pronounced in open Court:

Dated: 25.04.2020

**Sushma*

(Darbari Lal)
Judge, Special Court, Jalandhar
(UID No. PB0087) (Duty)