

IN THE COURT OF SH.DINESH KUMAR,
JUDGE, SPECIAL COURT, MANSA.
(UID NO.PB0445)

Bail Application No.570 of 30.09.2021
CIS No.BA/1442/2021
CNR No.PBMN01-005711-2021
Date of Order:07.10.2021

Jagdish Singh age 22 year son of Kura Ram, resident of # 40, ward no.3,
Hanuman Chowk, Ratia, District Fatehabad (Haryana), now in Judicial
custody.

..Applicant-accused.

Versus.

State of Punjab

FIR No.64 of 08.09.2021,
U/S 22-25-29-61-85 NDPS Act,
PS Sadar Budhlada, Mansa.

Application for grant of bail under Section 439 Cr.P.C.

Present: Sh.Gurvinder Singh, Learned Advocate for applicant-
accused.
Sh.Jasvir Singh, Learned Additional PP for respondent-State.

BAIL ORDER

1. This order of mine shall dispose of regular bail application
moved by the applicant-accused in case FIR No.64 of 08.09.2021, U/s
22-25-29-61-85 NDPS Act, PS Sadar Budhlada, Mansa.

2. Learned counsel for the applicant has submitted that latter is
innocent and has been falsely implicated in this case. Nothing was
recovered from his possession. The allegations raised by the prosecution
are false and concocted one. Nothing was recovered from the possession
of the accused and he was involved in this case on the basis of disclosure

statement of co-accused which is not permissible in the eyes of law. He was arrested on 08.09.2021 and since then, he is in custody and is no more required for further investigation. The alleged recovery is non commercial in nature and the presentation of challan is likely to take considerable time. With these submissions, he prayed for grant of regular bail to the applicant/accused.

3. Upon notice, Learned Additional PP appeared for State and opposed the bail application on the ground that offence committed by the accused is serious in nature and he is not entitled for concession of regular bail. With these submissions, he prayed for dismissal of the present bail application.

4. I have heard the rival contentions of both sides and perused the record.

5. As per case of the prosecution, 220 tablets of TRAMANAM-100SR (Tramadol), were recovered from the conscious possession of the accused. He was involved in this case, on the basis of disclosure statement of accused. He is in custody since 08.09.2021. The report of Chemical Analyst has not been received so far. The prosecution has not given any tentative date on which the said report can be received. **In Inderjit Singh alias Laddi Vs. State of Punjab, Criminal Misc No.13140 of 2012, decided on 31.01.2014**, the Hon'ble Division Bench has held that in the matter related to NDPS Act cases, the delay in testing the sample does result prejudice to alleged offender as till the

results are available, there can be no definite certainty with regard to the contraband. It is further held that where there is likelihood of delay in the FSL report, the accused may be released on bail. Applying the aforesaid ratio of law to the facts and circumstances of the case, this Court is of the considered view that the applicant is entitled to interim bail till the receipt of FSL report. As such, the applicant-accused is ordered to be released on interim bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount subject to the conditions which may be found in the report of FSL. Ld. Addl. PP for State/Investigating Officer is directed to ensure that report of Chemical Examiner be produced in the court immediately as and when same is received. It is made clear that this interim bail is granted to the applicant till the receipt of FSL report in the Court. On receipt of report, the applicant shall surrender before the court and his bail plea shall be considered in the light of FSL report. Needless to mention, present bail is granted subject to the following conditions that:

1. he shall appear in the court on each and every date of hearing;
2. he will not leave India without prior permission of the court;
3. he shall not tamper with the evidence of prosecution.

The bail application is disposed of accordingly. Police record be returned. Bail application be attached with the remand papers.

Pronounced/07.10.2021

Raj/SG-1

(Dinesh Kumar),
Judge, Special Court,
Mansa.
(UID No.PB0445)

State Vs. Jagdish Singh

Present: Sh.Gurvinder Singh, Learned Advocate for applicant-accused.
Sh.Jasvir Singh, Learned Additional PP for respondent-State.

Arguments heard. Vide my separate detailed order of even date, interim bail has been granted to the accused and bail application is disposed of accordingly. Police record be returned. Bail application be attached with the remand papers.

Pronounced/07.10.2021

Raj/SG-1

(Dinesh Kumar),
Judge, Special Court,
Mansa.
(UID No.PB0445)