

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

CNR No. PBKP010038682023

Case No. BA/1585/2023



Presented on : 29-07-2023

Registered on : 29-07-2023

Decided on : 05-09-2023

FIR No.44 dated 13.07.2023
U/S 21/22/29/61/85 of
NDPS Act P.S. Dhilwan,
District Kapurthala.

Avtar Singh @ Sonu aged about 38 years son of Charan Singh
resident of village Sangojala, PS Dhilwan, District Kapurthala.

.....Accused/applicant.

Versus

State of Punjab.

.....Respondent.

Bail application under Section 439 CrPC.

Present: Sh. B.J.S. Bajwa, 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 ***Avtar Singh @ Sonu*** in this case bearing FIR No.44 dated 13.07.2023 under Section 21/22/29/61/85 of NDPS Act, P.S. Dhilwan, District Kapurthala, wherein it is submitted that the police of P.S. Dhilwan, District Kapurthala has registered a false case against the applicant-accused although he has nothing to do with the commission of 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 13.07.2023, Since then he 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 and APP appeared on its behalf. However, no reply to the bail application was filed but APP for the State orally contested the bail application.

3) I have heard counsel for the applicant/accused, Addl. PP for the State and carefully perused the police file produced by ASI Paramjit Singh from P.S. Dhilwan, District Kapurthala.

4) As per the FIR, the accused Avtar Singh @ Sonu was found in his conscious possession of 200 intoxicant tablets and 05 gram Heroin. Applicant/accused is in judicial custody since 13.07.2023. Recovery has already been effected from his 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 for an indefinite

period 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 ***Avtar Singh @ Sonu*** is ordered to be released on ***interim bail*** in this case on his furnishing personal bonds in the sum of Rs.One Lac with one surety in the like amount to the satisfaction of this court subject to the conditions that he will appear in the Court on each and every date of hearing, she will not tamper with the prosecution evidence, he will not leave India without prior permission of this Court and will surrender before the court in case after receipt of report of FSL, the recovered quantity comes commercial in nature.

5) 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. The bail application filed on behalf of the applicant/accused ***Avtar Singh @ Sonu*** is allowed accordingly. Police record be returned. Bail application be attached with the remand papers/ main file pending before this court.

Pronounced in open Court
Dt.05.09.2023
(Abhika Rawat)

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

Avtar Singh @ Sonu Vs. State

CNR No.PBKP010038682023

BA-1585-2023

Present: Sh. B.J.S. Bajwa, Advocate for applicant/accused.
Ms. Meetu Sheanhmar, Addl.PP for the State.

Record produced. 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 ***Avtar Singh @ Sonu*** 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.05.09.2023
(Abhika Rawat)

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