

CNR No. PBSG01000406-2019

BA -159 -2019

Sukhdev Singh Versus State.

FIR No.02 of 07.01. 2019.

U/s 15, 25, 85 NDS Act.

Police Station: Khanauri.

Present: Shri SS Grewal, Advocate, counsel for applicant Sukhdev Singh.
Shri Janpreet Sharma Additional PP for the State.

ORDER

This order shall dispose of the bail application filed by the applicant -accused under Section 438 Cr.P.C, for releasing him on anticipatory bail.

2. Notice of the bail application was given to State. The learned Additional PP for the State, made appearance on behalf of the State and got produced the record.

3. I have heard the learned Counsel for applicant, Additional PP for the State and also perused the record.

4. It is submitted by the applicant as well as argued by his counsel that recovery in this case was effected from Gani Ram. No recovery was effected from the applicant. He has no concern with the said accused. The identification of applicant has not been established in this case. No offence has been committed by the applicant. He has been falsely implicated in the present case. His physical custody is not

required. The police is raiding the house of applicant to arrest him. He is ready to join the investigation as and when so directed and will abide by all the conditions imposed by the Court. Hence, the prayer for relief of anticipatory bail.

5. On the other hand, while controverting his contentions, the learned Additional PP for the State has vehemently argued that as the applicant is involved in a case of Narcotic Drugs and Psychotropic Substances Act, he does not deserve the leniency of the Court in grant of relief of anticipatory bail.

6. As is transpired from the record, on 07.01.2019, at about 5:00 PM, the police party of ASI Rameshwar Dass was present at the bridge of Ghaggar in the area of Mandvi, when two persons on motorcycle no. PB13AT-3155 were seen coming keeping a bag plastic in between them. On seeing the police party, they got perplexed. The pillion rider ran away from the spot throwing the bag plastic there. The driver of the motorcycle was nabbed, who disclosed his name as Giani Ram and that of the person escaped from the spot as Ashok Kumar son of Kartara Ram. 20 Kilograms poppy husk was recovered from the bag plastic.

7. As revealed from the documents on the file, the name of applicant is Sukhdev Singh son of Kartara Ram, whereas as per the prosecution version, Ashok Kumar son of Kartara Ram ran away from the spot. The prosecution itself did not know exact name of the person ran away from the spot. The recovery has already been effected in this case.

Therefore, his custodial interrogation is not required. In the given circumstances, without dilating further on the merits of case, the Court is of the opinion that no useful purpose is to be served by sending the applicant behind the bars. Rather, it may burden the state Exchequer. So far the averments of FIR are concerned, those are matters to be appreciated only after taking evidence during trial. Hence, the bail application is **allowed**. The applicant is directed to join the investigation before IO/SHO concerned. In that eventuality and in the event of arrest, applicant Sukhdev Singh is ordered to be released on bail on furnishing bail bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of SHO/Arresting Officer/Illaqa/Duty Magistrate for the offences mentioned in the FIR, subject to the following conditions.

- i. That the applicant will make himself available in the investigation of the case, as and when required;
- ii. That the applicant will not tamper with the prosecution evidence; and
- iii. That the applicant will not leave the country without prior permission of the court.

8. It is made clear that **joining of investigation on the part of applicant is the condition precedent to the anticipatory bail.**

9. However, it is also made clear that in the event of absence of accused on any date of hearing (without any reason or justification) the benefit of bail allowed to the accused shall stand withdrawn and the learned Trial Court shall be competent to cancel the bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality, the applicant-accused shall have to apply for bail afresh.

10. Police record be returned. Bail papers be consigned to the Record Room, Sangrur.

Announced in open Court.

Dated: 18.01.2019.

Rajiv Kumar, JW.

(Dr. Rajneesh)
Additional Sessions Judge,
Sangrur (UID-PB0172).