

**In the Court of Sh.Gurmohan Singh,
Judge, Special Court, Amritsar.
(UID No.PB-0573).**

CNR No. PBAS010040942024



Case No. BA/1567/2024

Presented on : 06-03-2024
Registered on : 07-03-2024
Decided on : 13-03-2024

Surjit Singh alias Sunny son of Satnam Singh r/o village Loharka Kalan,
Kamboj, Amritsar.

....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

**Ist Application for bail under Section
439 Cr.PC**

Present: Sh.Rahul Sabharwal, Advocate, counsel for the
applicant-accused.
Sh. Gurinderbir Singh, Additional P.P. for the State.

ORDER

The present regular bail application has been filed by
accused/ applicant under the provisions of Section 439 Cr.P.C., in FIR
No. 17 dated 14.02.2024 under Section 21/61/85 of NDPS Act, registered
at Police Station Kamboj, Amritsar.

2. Notice of the bail application has been issued to the State.
Learned Additional Public Prosecutor for the State has appeared. Police
record has been produced.

3. Heard on the bail application of applicant. Record perused.
As per prosecution story, on 14.2.2024 in the area of Village Loharka
Kalan, accused/applicant was apprehended and from his conscious

possession recovery of 5 grams of Heroin was effected by the police party headed by Inspector Amarjit and since then applicant-accused is in custody and thus it is a chance recovery. As per the official who brought the police record, report of Chemical Examiner has not been received so far but applicant/accused is also state to be involved in two other cases of similar in nature. This Court is of the opinion that each and every case has to be decided separately on merits and has its own facts and circumstances. The report of Chemical Examiner is yet to be received. Thus, in these circumstances, relying upon the judgment passed by the *Division Bench of Hon'ble Punjab & Haryana High Court in Criminal Misc. No.1140 of 2012 decided on 30.01.2014 titled as "Inderjit Singh @ Ladi vs State of Punjab" in which it has been held that "in case there is delay, this would entitle the offender of at least interim bail till the report is finally received"*, and also keeping in view the above said alleged recovery from the possession of accused, this court is of the view that accused is entitled to get interim bail till report of chemical examiner is finally received. Further this court is also of the considered opinion that the challan and the chemical examiner report will take sufficient long time. Thus, in these circumstances and without commenting anything on the merits of the case, the applicant /accused is ordered to be released on interim bail till receiving of chemical examiner report, subject to furnishing of bail bond in the sum of ₹ 20,000/- with one surety in the like amount before the Ld. Illaqa/Duty Magistrate, to its satisfaction, with the directions to learned

Illaq/Duty Magistrate that the bail bonds/requisite papers be sent back immediately to the present court/trial court and further subject to the condition that applicant/accused will neither leave the country without prior permission of the court nor applicant/accused will tamper with the evidence nor will put pressure on the witnesses of the prosecution and will appear on each and every date of hearing of the court. However, it is made clear that this order of interim bail is subject to the result of report of Chemical examiner and it is further clarified that if the alleged recovery comes out to be commercial quantity, then this bail order would automatically be vacated and bail bond and surety bond would be forfeited to the State and if the quantity comes out to be non commercial, then this bail order would be confirmed and bail bond and surety bond would also be considered. Accordingly, the present bail application is disposed-of. Police record be returned. Ahlmad is directed to attach the application with the remand papers.

Pronounced:

Dated : 13.03.2024.

(Gurmohan Singh)
Judge, Special Court,
Amritsar.
(UID No. PB0573)

Sanjeev Kumar, stenographer Gr. I

Present: Sh.Rahul Sabharwal,Advocate, counsel for the
applicant-accused.
Sh. Gurinderbir Singh,Additional P.P. for the State.

Police record has been produced. Arguments heard. Vide my
separate order of even date, the accused/applicant has been granted
interim bail, as detailed therein. Police record be returned. Ahlmad is
directed to attach the application with the remand papers.

Pronounced:
Dated : 13.03.2024.

(Gurmohan Singh)
Judge, Special Court,
Amritsar.
(UID No. PB0573)

Sanjeev Kumar,stenographer Gr. I