

PBBT010055502020



Presented on : 21-08-2020
Registered on : 24-08-2020
Decided on : 26-08-2020
Duration : 0 years, 0 months, 5 days

***IN THE COURT OF SH. MOHAMMAD GULZAR,
JUDGE SPECIAL COURT,
BATHINDA
(UID PB-0063)***

***CNR No.PBB-T01-005550-2020.
CIS BA-2321 of 2020.
Decided on 26.8.2020.***

Amritpal Singh @ Amitpal Singh @ Gaggu, aged about 24 years, son of Pala Singh, resident of village Nangla, tehsil Talwandi Sabo, District Bathinda.

.....Petitioner.

Versus

State of Punjab

.....Respondent.

***FIR No.169 dated 5.8.2020,
under Section 22/25/61/85 of N.D.& P.S.Act,
Police Station Maur, District Bathinda.***

***Bail Application under Section 438
of Code of Criminal Procedure.***

Present (through V.C.) : Sh.Harpinder Singh Sidhu, Advocate, counsel for applicant-accused.

Sh.H.S.Gill, Addl.P.P.for State.

*Mohammad Gulzar
Additional Sessions Judge PB-0063*

ORDER

Wide this order, this Court intends to dispose of an application under Section 438 Cr.P.C. moved on behalf of aforesaid applicant, in case FIR No.169 dated 5.8.2020, under Section 22/25/61/85 of N.D.& P.S.Act, Police Station Maur, District Bathinda.

2. FIR in the present case was registered on the allegations that the police party headed by ASI Gian Chand was present in the area of Maur Kalan at link road near Kotli fatah, in the meanwhile from the Kotli side, one motorcycle was being driven by a young person and on its back a white colour car was being coming. On being suspicion, a signal was given to stop the vehicles, the driver of the car had tried to turn the car, but the car was stopped. The motorcycle' rider alongwith motorcycle ran away from the spot. The car Alto of white colour bearing registration No.HR40-H-5543 was being stopped. On being asked, the driver of the car disclosed his identity as Gursewak Singh son of Gurmail Singh, the person sitting on co-driver seat disclosed his name as Sandeep Singh son of Gurdev Singh. On being asked about the motorcycle rider, they disclosed that Amritpal Singh @ Gaggu son of Pala Singh, resident of Nangala, Police Station Talwandi Sabo was guide to them about the way. Thereafter on being checking the car, 34000 tablets of CLOVIDOL 100 SR was recovered from the car. From the dashboard of the car, one registration certificate of the Car bearing No.HR40-H-5543 was recovered which was in the name of Shinder Singh son of Amrik Singh, resident of

Dera Fattuwal, village Ardana 64, tehsil Aasand, District Karnail (Haryana).

3. Notice of bail application was issued to the State. Police record was summoned and received.

4. I have heard the learned counsel for the applicant-accused as well as the learned Additional Public Prosecutor for the State and have gone through the police record.

5. The learned counsel for the applicant-accused argued that the petitioner is innocent. He has not committed any offence. He was not present at the place of alleged recovery. Nothing was recovered from the conscious possession of the petitioner. He has been implicated in the present case on the basis of statement of co-accused. He prayed for concession of pre-arrest bail to the petitioner.

6. On the other hand, the learned Additional Public Prosecutor for the State has strongly opposed the bail application.

7. After considering the rival contentions of learned counsel for the applicant-accused as well as the learned Additional Public Prosecutor for the State and the perusal of police file, it reveals that the

allegations against the petitioner Amritpal Singh @ Amitpal Singh @ Gaggu (bail applicant) are that he was riding on a motorcycle as a pilot and was guide to accused Gursewak Singh and Sandeep Singh about the way, who were on white coloured Alto Car bearing registration No.HR-40-H-5543 and recovery of 34000 tablets of CLOVIDOL 100 SR was effected from the said car, being driven by Gursewak Singh son of Gurmail Singh and Sandeep Singh son of Gurdev Singh was sitting on co-driver seat. However, the registration certificate of abovesaid car was/is in the name of Shinder Singh accused.

8. Without commenting on the merits of the case, this Court is of the view that for free fair and thorough investigation of the case, the custodial interrogation of the petitioner is required. Hence, the petitioner is not entitled for concession of anticipatory bail. As such the bail application is dismissed. Police record be returned. File of this Court be consigned to the Record Room.

Pronounced in open Court
Dated:26th August, 2020

(Suman)

(Mohammad Gulzar),
Judge Special Court,
Bathinda/26.8.2020
(UIDPB0063)