

IN THE COURT OF SH. KARAMJIT SINGH SULLAR,
JUDGE, SPECIAL COURT, LUDHIANA UID-PB0141

Bail Application No.1252 of 11.11.2020.
CIS No. BA/15640/2020.
CNR No. PBLD01-017641-2020.
Date of Decision : 23.11.2020.

State of Punjab.

Versus

Beant Singh son of Gurnam Singh resident of Street No.01, Indra Colony,
Jagraon, Ludhiana at present resident of Village Raqba, P.S. Mullanpur,
District Ludhiana.

... .. Applicant.

FIR No.190 dated 11.10.2020,
under Section 21 of the NDPS Act, 1985
Police Station : Samrala, Distt. Ludhiana.

Application for regular bail u/s 439 of Cr.P.C.

Present - Sh. Kawalpreet Singh, Advocate for the applicant.
Sh. Ganesh Chand, Additional P.P. for the State.
(Virtual Court through Video Conference)

ORDER

Applicant Beant Singh filed present application for regular bail under Section 439 Cr.P.C.

2. Notice of the present application for regular bail was issued to the State. Then, the ld. Additional PP for the State, on receipt of the notice, appeared to contest the same, on producing record by the investigating agency.

3. The ld. counsel for the applicant contended that applicant is falsely implicated in this case. The alleged recovery of smack falls under non-commercial quantity. Applicant is in custody since 11.10.2020. So, the applicant may be released on bail.

4. On the other hand, the ld. Additional PP for the State argued that the applicant has committed heinous offence as heavy recovery of smack was effected from him, as such, he cannot be given the benefit of

bail. The ld. Additional PP for the State further argued that keeping in view the gravity of offence committed by the applicant, he does not deserve any kind of leniency, therefore, this bail application may be dismissed.

5. I have considered respective submissions of the ld. counsel for the applicant, the ld. Additional PP for the State and have perused the police record carefully. Brief facts of the present case of the prosecution are that on 11.10.2020, ASI Sukhwinder Singh of P.S. Samrala along with other police officials was going from Main Chowk, Samrala towards the side of Khanna in connection with patrolling and checking duty. At about 03.15 PM, when the said police party had reached near Sacred Heart Convent School, Utala after crossing minor canal bridge of village Utala, then two Hindu gentlemen were seen while coming on motorcycle bearing no. PB-10-EG-1382 mark Platina from the side of Khanna, who on seeing the police party, became perplexed and they had tried to turn back their said motorcycle, but they were apprehended by ASI Sukhwinder Singh with the help of his fellow police officials. On asking, the driver of above said motorcycle had disclosed his name as Ranjit Singh son of Randhir Singh resident of Village Raqba, P.S. Mullanpur Dakha, District Ludhiana whereas the pillion rider of that motorcycle had disclosed his name as Beant Singh son of Gurnam Singh resident of Indra Colony, Street No.1, Jagraon at present resident of Village Raqba, P.S. Mullanpur Dakha, District Ludhiana. At that time, said Ranjit Singh had thrown one polythene bag on the road after taking it out from the right pocket of the lower worn by him whereas said Beant Singh had thrown another polythene bag on the road after taking it out from the right pocket of the pajama worn by him. After then, ASI Sukhwinder Singh had checked both the polythene bags thrown by said Ranjit Singh and Beant Singh, during which, 10 grams smack was recovered from the polythene bag thrown by said Ranjit Singh whereas 05 grams smack was recovered from the polythene bag thrown by said Beant Singh. Then, ASI Sukhwinder Singh had taken the said smack into his possession and he had arrested applicant Beant Singh along with co-accused/non-applicant Ranjit Singh in the present case. Now, applicant

Beant Singh is in custody since 11.10.2020 in this case and he is no more required for any custodial interrogation as the alleged recovery has already been effected. Moreover, the alleged recovery of smack effected in this case is non-commercial quantity. Presentation of challan and conclusion of trial will take sufficient time. No useful purpose would be served by detaining applicant Beant Singh behind the bars for indefinite period. Therefore, the contention of the ld. counsel for the applicant raised with regard to the application for bail is found to be sustainable, resulting of which, the application for bail under section 439 of Cr.P.C., moved by applicant Beant Singh is hereby allowed and applicant Beant Singh is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount and subject to the following conditions:-

- a) that the applicant shall make himself available for interrogation by a police officer as and when required.
- b) that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusations against him so as to dissuade him from disclosing such facts to the court or to any police officer.
- c) that the applicant shall not leave India without the previous due permission of the court.

Requisite bail bonds and surety bonds not furnished. Record of the present bail application be attached with the remand papers.

Announced on : 23.11.2020.
Deepak Sharma/SG.

Sd/-
(Karamjit Singh Sullar)
Judge, Special Court, Ludhiana.
UID-PB0141

CIS No. BA/15640/2020

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Present - Sh. Kawalpreet Singh, Advocate for the applicant.
Sh. Ganesh Chand, Additional P.P. for the State.

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Police record received, perused and returned. Arguments on the present application for regular bail moved by applicant Beant Singh, heard. Vide separate detailed order of even date, the present application for bail is allowed. Requisite bail bonds and surety bonds not furnished. Record of the present bail application be attached with the remand papers.

Sd/-

(Karamjit Singh Sullar)
Judge, Special Court, Ludhiana.
UID-PB0141

Announced on : 23.11.2020.

Deepak Sharma/SG.