

**In the Court of Sh. Muneesh Arora,UID No.PB0135
Judge Special Court, Kapurthala.**

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CNR No.PBKP0100-4280-2018
Bail application No.1588 of 23.08.2018
Date of interim bail Order: 05.09.2018
Pending for :29.10.2018

FIR No.247 of 14.08.2018
Under Section 22/61/85 of NDPS Act.
Police Station Sultanpur Lodhi,
District Kapurthala

State	Versus	Mohinder Singh aged 53 years son of Gurdial Singh, resident of village Sangra, P.O. Kabirpur (Ahlikalan) Sultanpur Lodhi, District Kapurthala.
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Accused/applicant.

Application for bail under Section 439 CrPC.

Present: Sh. Jugraj Singh Kahlon, Adv., for applicant/accused.
Ms.Mandeep Walia, Addl. PP for the State of Punjab.

ORDER

1. The present bail application under section 439 Cr.P.C. has been filed by the applicant-accused Mohinder Singh in case FIR No.247 of 14.08.2018, under Section 22/61/85 of NDPS Act, Police Station Sultanpur Lodhi, District Kapurthala.

2. Learned counsel for the applicant-accused has contended that the applicant-accused is innocent and he has been falsely implicated in this case. The applicant-accused is in judicial custody. The alleged recovery has already been effected

and now nothing is to be recovered from the applicant-accused, who is in custody. There is no direct or indirect evidence against the applicant-accused to connect him with the commission of alleged offence. On these assertions he has prayed for grant of regular bail.

3. Learned Addl.P.P for the State has opposed the bail application and has submitted that grave and serious allegations have been levelled against the applicant-accused. On these assertions, she has prayed for dismissal of the bail application.

4. I have heard learned counsel for applicant-accused, learned Addl.P.P for the State and have also gone through the record very carefully.

5. As per the case of prosecution, applicant-accused Mohinder Singh has allegedly been found in conscious possession of 33 intoxicant tablets in the area of P.S. Sultanpur Lodhi. The report of Forensic Science Laboratory is awaited. Learned Counsel for accused-applicant has prayed that Hon'ble Punjab & Haryana High Court, Chandigarh in Criminal ***Misc.NO.1389 of 2013 Ravinder Singh alias Rinku Versus State of Punjab and Criminal Misc.No.13 of 2012 Inder Singh Versus Ladi decided on 31.01.2014*** has given the direction that in case there is delay in the report of the Chemical Analysis, this would entitle the accused to the interim bail, till the report is finally received.

6. Considering the allegations in the FIR and arguments of learned counsel for the applicant-accused, applicant-accused Mohinder Singh is ordered to be admitted to interim bail till the report of Forensic Science Laboratory is received on his furnishing personal bail bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of this Court subject to the following conditions that:-

1. He will not tamper with the prosecution evidence;
2. He will appear in the Court each on each and every date of hearing to be fixed in the trial;
3. He will not leave the territory of India without prior permission of the Court.

4. He will surrender his passport in the Court, if any.

In case he is not possessing any passport, he will furnish an affidavit to this effect.

7. Now to come up on 29.10.2018 for awaiting report.

Bail application be annexed with the remand papers.

Pronounced in the open Court

Dt.05.09.2018

(Mohinder Kumar)

(Muneesh Arora)

Judge Special Court,

Kapurthala

UID No.PB0135