

**In the Court of Dr. Gopal Arora, Judge, Special Court,
Hoshiarpur (UID No. PB-0194)**

BA/CIS No. 1618 of 2021
CNR No. PBHO01-004452-2021
Date of Order: 14.07.2021

Harwinder Singh aged about 25 years son of Jarnail Singh resident of village Dograwala, Subhanpur, district Kapurthala.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

FIR No. 95 dated 19.06.2021
U/s 21 of ND&PS Act and Section
25/54/59 of Arms Act
P.S: Bullowal Distt. Hoshiarpur.

‘Second application for regular bail U/s 439 Cr.PC’

Present: Sh Kamaldeep Jassi advocate counsel for applicant-accused.
Sh. Gurpreet Singh, Additional PP for the State.

ORDER:

This order of mine shall dispose of an application moved by applicant/accused Harwinder Singh for grant of regular bail in FIR No. 95 dated 19.6.2021, under Section 21 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (in short ‘ND&PS Act’) and Section 25/54/59 of Arms Act, pertaining to Police Station Bullowal District Hoshiarpur.

2. The accusation which led to the registration of the present FIR that on 19.6.2021 ASI Buta Singh alongwith other police officials was present at T-point Sandhra Sodhian in connection with checking of bad elements and in the meantime one Swift car came from the side of Sandhra Sodhian, which was signaled to stop, but driver of said car on seeing the police party tried to turn back. On suspicion he was apprehended. On asking he disclosed his name as Gurcharan Singh son of Jeet Singh and the person sitting next to him disclosed his name as Lakhwinder Singh son of Sewa Singh and the other

person sitting on back seat of car disclosed his name as Harwinder Singh son of Jarnail Singh. The accused were apprised about their right under The Narcotic Drugs and Psychotropic Substances Act, 1985 Act. During search of accused Lakhwinder Singh, one polythene envelop containing Heroin was recovered from the pocket of his lower, which on weighment came out to be 100 grams. From the dashboard of car one pistol 32 bore alongwith five live cartridges was also recovered. After completion of all the formalities i.e. sampling and other formalities under the NDPS Act, the ruqa was sent for the registration of the FIR and on the basis of which the present FIR was registered.

3. The learned counsel for applicant-accused has contended that nothing was recovered from the applicant-accused and he has been falsely implicated in the present case. He has further contended that applicant-accused is in custody since 19.6.2021 and nothing is to be recovered from him. He has further contended that presentation of challan and conclusion of trial shall take sufficient time and no useful purpose would be served by keeping the accused behind the bars. So, it is prayed that applicant-accused be released on bail.

4. On the other hand the learned Addl. PP for the State has opposed the bail application on the ground that the recovery of narcotic is serious offence. As such there are chances that accused may flee from the justice in case he is granted bail.

5. I have heard the arguments advanced by Learned Counsel for the applicant as well as Learned Additional PP for the State and also perused the police record. As per case of prosecution 100 grams Heroin alleged to have been recovered from the conscious possession of accused Lakhwinder Singh, who was travelling in a car in which the present applicant-accused

was also sitting at that time, however nothing was recovered from the conscious possession of accused Harwinder Singh. The recovery effected from accused falls under non commercial category. The applicant-accused is in judicial custody since 19.6.2021 and nothing is to be recovered from the accused at this stage. The presentation of challan and conclusion of trial shall take sufficient long time and no useful purpose would be served by keeping the accused in custody. The allegations against the accused are yet to be ascertained by leading evidence. Therefore, the accused Harwinder Singh is released on bail on his furnishing bail bonds in the sum of ₹ 50,000/- with one surety of the like amount subject to the conditions that he shall appear in the court on each and every date of hearing and shall not leave India without prior permission of the court till the disposal of the trial. On the receipt of report of chemical examiner in case the substance comes otherwise than Heroin, the accused/applicant will surrender in the court immediately and the concession of regular bail granted to him shall be deemed to have been declined. Application is disposed of accordingly. File be bail application be attached with the remand papers.

Announced in open Court:
Dated: 14.07.2021.

Kulvinder Singh JW
(Direct dictation)

(Dr. Gopal Arora),
Judge, Special Court
Hoshiarpur (UID No.PB-0194).

Harwinder Singh Vs State

Present: Sh Kamaldeep Jassi advocate counsel for applicant-accused.
Sh. Gurpreet Singh, Additional PP for the State.

Heard. Vide my separate detailed order of even date, the regular bail filed by applicant/accused has been allowed, as stated therein. File be bail application be attached with the remand papers.

Announced in open Court:

Dated: 14.07.2021.

Kulvinder Singh JW

(Dr. Gopal Arora),
Judge, Special Court
Hoshiarpur (UID No.PB-0194).