

**IN THE COURT OF KAWALJIT SINGH,
JUDGE SPECIAL COURT (DUTY), TARN TARAN.
(UID Number PB0155)**

Case Type	BA
Filing Number	2814/2023 Filing Date: 31.05.2023
Registration Number	1604/2023 Date of Registration: 01.06.2023
CNR Number	PBTT0100-3307-2023
Date of Decision	16.06.2023

Rajesh Singh alias Rajesh Kumar, aged 43 years, son of Manga Singh, resident of Street Kikkar Peer Wali, Mohalla Jaswant Singh, Tehsil and District Tarn Taran.

---Applicant/accused

Versus

State of Punjab

---Respondent

FIR No.146 dated 27.05.2023
Under Section 21(B), 29 of NDPS Act
Police Station, City Tarn Taran

BAIL APPLICATION UNDER SECTION 438 of Cr.P.C.

Present: Shri Mandeep Singh, Advocate for applicant/accused
Shri Gurpreet Singh Rana, Additional P.P. for the State

ORDER

File put before me, I being on duty during summer vacations.

Applicant/accused has filed the instant bail application under Section 438 Cr.P.C., seeking anticipatory bail in the above noted case.

2. It is argued by the learned counsel for the applicant/accused that applicant/accused is innocent and has not committed any offence. False case has been registered against the applicant/accused just to harass him unnecessarily due to political vendetta under the influence of political leaders. It is submitted that on the date of alleged occurrence i.e. 27.05.2023, the applicant/accused along with his family members had gone to Chandigarh and he was not even present in his home. Nothing is

to be recovered from the applicant/accused and his custodial interrogation is not required. Therefore, it is prayed that the applicant/accused may kindly be granted the concession of anticipatory bail.

3. On the other hand, learned Additional Public Prosecutor for the State opposed the bail application and prayed that bail may kindly be dismissed. It is submitted that the applicant/accused is the supplier of drugs to the drug addicts and small time drug peddlers. It is submitted that when the house of applicant/accused was raided then co-accused namely Kuldeep Singh was apprehended while he was about to escape through the staircase of the house of applicant/accused and 10 grams of heroin along with drug money was recovered from co-accused who confessed that he used to purchase narcotic drugs from the present applicant/accused. Therefore for fair and thorough investigation custodial interrogation of the applicant/accused is necessary.

4. As per contents of FIR, on 27.05.2023 from the co-accused Kuldeep Singh was apprehended from the house of the applicant/accused and 10 grams of heroin was recovered from the polythene packet thrown by him when he was about to escape through the staircase of the house of the applicant/accused. Quantity of the contraband, so recovered from the co-accused of applicant/accused, falls under non-commercial segment. Strangely applicant/accused is not alleged to be present in his house at that time. Investigating Officer concedes that applicant/accused is not involved earlier in any case FIR under NDPS Act which raises doubt in the story of the police that applicant/accused has been constantly supplies the narcotic drugs. How co-accused gained access to the house of applicant/accused in his absence also is not connected with the

applicant/accused. Even after the arrest of co-accused nothing incriminating has been recovered from the house of the applicant/accused. Under the circumstances, given the vagueness of the allegations, it would be in the fitness of things and larger interest of justice and investigation that the accused is directed to join the investigation before 21.06.2023 and in such event the applicant/accused shall be admitted on interim bail to the satisfaction of arresting officer/investigation officer/SHO of concerned of the police station subject to the following conditions and others as envisaged under Section 438 of Cr.P.C.:

- 1) The applicant/accused shall join the investigation and co-operate with the same as and when called by the investigation officer.
- 2) He will not tamper with the prosecution evidence.
- 3) He will not leave the country without prior permission of the court.
- 4) He will not hinder the investigation and would not threat any witness or indulge into such activity concerning investigation of the present case.

5. Report of Investigating Officer be submitted in this court on 21.06.2023 as to whether the applicant/accused has joined the investigation or not and also as to whether he has co-operated in the investigation or not. However, it is made here clear that observation made herein above shall not be construed as an expression on the merits of the main case.

Announced: 16.06.2023

**Kawaljit Singh,
Judge Special Court (Duty),
Tarn Taran.
UID Number PB0155**

Lovepreet Stenographer Grade-II