

IN THE COURT OF RAKESH KUMAR,
UID No. PB-0138,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No.
PBKP010040262022



Case No. BA/1633/2022

Presented on : 02-09-2022

Registered on : 02-09-2022

Decided on : 16-09-2022

Kulwant Singh @ Sabbi, s/o Balkar Singh, aged about 38 years, r/o
Village Ibrahimwal, Begowal, Tehsil Bholath, District Kapurthala.

..... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.06 of 16.02.2018,
Under Section 15 of NDPS Act, 1985,
Police Station – Begowal, District Kapurthala.

Application for anticipatory bail under Section 438 Cr.P.C.

Present: Sh.Hamish Kumar, Advocate for the applicant/accused.
Ms.Aarti Mehta, Additional PP for the State.

O R D E R

This order of mine shall dispose of this bail application,
moved by above named applicant/ accused Kulwant Singh @ Sabbi under
Section 438 of Cr.P.C, pertaining to criminal case registered against the
applicant/accused, vide FIR No.06 of 16.02.2018, as stated above.

2. Main case file along with the bail application has been put up. Learned Addl. PP for the state has submitted that this case has been registered against the applicant/ accused with the allegations that from the possession of the applicant/ accused Kulwant Singh and co-accused/ non applicant Hardeep Singh @ Deepa, 05 Kg of Poppy Husk was recovered. Thereafter, he was granted the concession of bail in the present case. However, due to the absence of applicant/ accused Kulwant Singh @ Saabi and his associate Hardeep Singh from the trial proceedings, non bailable warrants were issued against them apart from notice to their sureties.

3. Learned Addl.PP for the State submitted that gravity of offence does not warrant the concession of bail to the applicant/ accused. He has misused the concession of bail granted to him.

4. On the other hand, learned counsel for the applicant/accused submitted that absence of applicant /accused was neither intentional nor willful, but due to the reason that he is driver by profession and used to stay out of the State. Moreover, recovery involved in the present case is non-commercial quantity. Therefore, he may be granted the concession of bail at this stage.

5. I have heard the submissions made by learned counsel for the applicant/ accused and learned Additional PP for the State.

6. Perusal of the file shows that challan in the present case was presented on 22.01.2019. The applicant/ accused Kulwant Singh @ Sabbi

never appeared before the court after presentation of challan. Moreover, during the said period, no intimation regarding his absence as well as any application for personal exemption on his behalf had been filed.

7. So, keeping in view of the aforesaid facts and circumstances, though the quantity of contraband involved in the present case falls within the non-commercial quantity, but the proceedings of the case have suffered for a long time due to the absence of applicant/ accused Kulwant Singh @ Sabbi. As such, the present bail application is, hereby, dismissed & disposed of. Anything said in this order shall not affect the merits of the case in any manner. Record of this bail application be annexed with the concerned file.

Pronounced in open Court.
Dated: 16.09.2022
Kaushal

(Rakesh Kumar)
Judge, Special Court,
Kapurthala.
UI Code - PB0138

(Directly dictated on computer)