

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

Case Type	BA
Filing Number	3166/2022 Filing Date : 26.07.2022
Case Number	1976/2022 Registration Date: 27.07.2022
Case Code	PBTT0100-3875-2022
Date of Order	03.08.2022

Gulab Singh, aged 24 years, son of Raj Singh, resident of village
Khawaspur, Police Station Goindwal Sahib, District Tarn Taran

---Applicant/accused

Versus
State of Punjab

---Respondent

FIR No.61 dated 08.04.2022
Under Sections 21, 22, 25, 29 NDPS Act Section 25 Arms Act
Police Station, City Tarn Taran

SECOND BAIL APPLICATION UNDER SECTION 439 OF Cr.P.C.

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

ORDER

Applicant has filed the instant second bail application under
Section 439 Cr.P.C., seeking regular bail in the above noted case.

2. The brief facts of the case are that the present case FIR has been registered on the basis of secret information received against applicant, Mandeep Singh @ Kali, Prabhdeep Singh @ Prabh and Lovepreet Singh @ Love that they supply illegal weapons, narcotic tablets and heroin after bringing these from Indore city of Madhya Pradesh. Subsequently, during investigation, from co-accused Mandeep Singh 1000 narcotic tablets and one .32 bore country made pistol were recovered and it came to fore that he had brought the pistol from one person namely Sardar Lucky of Indore and he also has been arrayed as an accused in this case FIR. From co-accused Lovepreet Singh also one pistol of .32 bore and his car used by all accused

were recovered. Further came out in the investigation that bank account of co-accused Prabhdeep Singh was being used by accused Mandeep Singh to transfer money to above said Sardar Lucky for purchases made of illegal weapons from him. It also came into the investigation that one person namely Gulab Singh (applicant) used to supply drugs to accused named in the secret information and he also has been arrayed as an accused.

3. It is argued by the learned counsel for the applicant that has been falsely implicated in this case. It is submitted that there is no evidence with the prosecution to connect the applicant/accused with the alleged offences and the whole story of the prosecution is concocted with an ulterior motive to harass and humiliate the applicant. It is submitted that the applicant is in custody since 01.07.2022 and is no more required for investigation purpose. Nothing has been recovered from the applicant and alleged recovery, if any, has been planted upon co-accused. No useful purpose is going to be served by keeping the applicant behind bars for indefinite period and prayed for grant of regular bail to the applicant.

4. On the other hand, learned Additional Public Prosecutor for the State, assisted by learned counsel for the complainant, opposed the bail application and prayed for its dismissal. It is submitted that applicant and his co-accused are indulging into the commission of this heinous crime of supplying illegal weapons, drugs and heroin in the area of Tarn Taran after smuggling these from co-accused resident of Indore in Madhya Pradesh. Recoveries made subsequently during investigation also establish the authenticity of the secret information so received that accused are into this business in an organized manner in conspiracy with each other. It is

submitted that the applicant is also key member of this illegal gang and he had supplied commercial quantity of 1000 tablets containing narcotic substance to co-accused Mandeep Singh and has been part and parcel of criminal conspiracy to commit offence. It is submitted that accused also is guilty of concealment of material facts in this bail application as three more FIRs stand registered against the applicant i.e. FIR No.45, dated 29.03.2018 under Sections 457, 380, Police Station Goindwal in which applicant has been convicted, FIR No.147/2021, under Section 21 NDSP Act, Police Station Goindwal Sahib, in which also applicant has been convicted and FIR No.50, dated 10.03.2020, under Section 21 NDPS Act, Police Station Goindwal Sahib, which is pending. It is submitted that keeping in view the grave serious allegations the applicant is not entitled for grant of regular bail.

5. I have heard the contentions of both the parties.

6. From the careful perusal of record and the investigation conducted, it comes out that there are well founded allegations against the applicant and his co-accused who supply illegal weapons, narcotic tablets and heroin after procuring these from Indore city of Madhya Pradesh. Authenticity of the secret information is prima facie established as it has come in the investigation, conducted thus far, that from co-accused Mandeep Singh 1000 narcotic tablets and one .32 bore country made pistol were recovered and it came to fore that he had brought the pistol from one person namely Sardar Lucky of Indore, since also arrayed as an accused in this case FIR. Further from applicant Lovepreet Singh also one pistol of .32 bore and his own car used by all accused in commission of offence also were recovered. Further it is revealed in the investigation that co-accused

Prabhdeep Singh has been allowing his bank account to be used by accused Mandeep Singh to transfer money to above said Sardar Lucky for illegal purchases of illegal weapons made from him. It also came into the investigation that applicant/accused had entered into criminal conspiracy with co-accused and had supplied tablets containing commercial quantity containing commercial quantity. It is not that it is for the first time that applicant is found involved in committing offence of grave and serious nature as applicant earlier stands convicted in two cases as submitted by learned counsel for the State and another FIR is pending against the applicant as well. Such a person in case is released on bail then him being involved again in such like nefarious activities cannot be strongly ruled out which will be danger to the society as whole. For these reasons and keeping in view the involvement of the applicant being party of this conspiracy to commit offence, this Court does not find any ground for accepting the prayer of the applicant for grant of regular bail. Accordingly this bail application is dismissed. However, it is made clear that observations made herein above shall not be construed as an expression on the merits of the main case. The bail application file be consigned to the Judicial Record Room, Tarn Taran.

Announced: 03.08.2022

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

Rahul Sharma Stenographer Grade-II