

IN THE COURT OF SH. JASPAL VERMA, JUDGE,
SPECIAL COURT, KAPURTHALA.(Duty)
(UID- PB0136)

CNR No. PBKP010039562020



Case No. BA/1944/2020

Presented on : 01-10-2020

Registered on : 03-10-2020

Decided on : 09-10-2020

Rohit Bhatia aged about 26 years son of Pardeep Kumar Bhatia, resident of House No.35/884, Manjit Nagar, Basti Sheikh, Near 120 Foot Road, P.S.Division No.5, Jalandhar.

Accused-applicant.

Versus

State of Punjab

Respondent.

FIR No.95 dated 1.04.2020

U/s 307/489A/489B/489C/489D/34 OF IPC

r/w 22/21/29/61/85 of NDPS Act.

PS City Kapurthala, District Kapurthala.

Bail application U/s 439 Criminal Procedure Code

Present: Sh.B.S.Kalra, Advocate, for the
applicant/accused through video conference.
Sh. Shailender Gill, Addl. PP for the State
through video conference.

ORDER

1) This order of mine shall dispose of regular bail application moved by the applicant/accused Rohit Bhatia in

this case bearing FIR No.95 dated 01.04.2020, under Sections 307/489A/489B/489C/489D/34 of IPC r/w Section 22/21/29/61/85 of NDPS Act, Police Station City, District Kapurthala on the ground that the applicant-accused has been falsely implicated in the present case although he is innocent and has not committed any alleged crime. The applicant-accused is in judicial custody since 2.04.2020. Presentation of challan and its disposal is likely to take considerable time. So, he be released on regular bail.

2) The facts as per the FIR are that on the intervening night of 31.03.2020/01.04.2020, SI Harinder Singh alongwith other members of the police party held Nakabandi at Octroi post, Kanjli Road on account of curfew imposed due to Covid-19. At about 1.00 P.M, one car of white colour came from DC side Kapurthala and he with the help of other members of the police party gave a signal to stop it. He saw that 04 young persons were sitting in the said car and when they were asked to stop the car by giving the torch signal, the driver of the car by giving torch signal, the driver of the car firstly slowed down the vehicle and immediately when he came near to them, he stopped it up with an intention to crush the police party under the car which the police party luckily saved. The number of the car was noted down as PB-08-DV-1554 and the driver of the car took it a very fast speed towards the Kanjli. He alongwith other members of the police party chased the car

and the car was hit in the wall near Kanjli bridge. He alongwith the help of other police party surrounded the car and on being asked, the driver of the car disclosed his name as Ajay Kumar. The other persons sitting on the pillion seat of the driver disclosed his name as Arsh Saini. One plastic envelope was lying near the driver seat and the driver Ajay Kumar informed that said plastic envelope contains Heroin. Arsh Saini also took out one plastic envelope from the pocket and threw it on the ground. On being asked, he also disclosed that the said plastic envelope contains Heroin. The other two persons sitting on the back seat of the car disclosed their names as Lovejot Singh and Dharminder. One plastic envelope was lying near the feet of Lovejot Singh and on being asked, he disclosed that said envelope contains intoxicant injection. Intimation was sent to the police station. On the basis of which present FIR was registered. ASI Raman Kumar, SI Parminder Singh alongwith other members of the police party reached the spot and SI Harinder Singh arrested all these four persons and took into possession the car bearing registration No. PB-08-DV-1554. 05 grams of Heroin was recovered from the plastic envelope thrown on the ground by Arsh Saini. 12 intoxicant injections without marka and 6 injections of Avil were recovered from the plastic bag lying near the feet of Lovejot Singh. 05 grams of Heroin was recovered from the plastic envelope lying near the driver seat. 24 currency notes

of Rs.500/- and Rs.2000/- which were faked were recovered from the pocket of Dharminster. All these articles were taken into police possession and the FIR under Sections 307/489-C/34 IPC and 21/22/61/85 of NDPS Act was registered. Offences under section 489A, 489B, 489 C of IPC and section 29 of NDPS Act were added lateron. The accused has been nominated and arrested on the basis of disclosure statement made by co accused Dharminster vide DDR No.39 dated 2.04.2020 and recovery of fake currency notes of Rs.30000/- was effected from his possession.

3) Upon notice, learned Addl. PP appeared and contested the bail application orally on the ground that the offence committed by the applicant-accused is heinous in nature. So, he prayed that the bail application may kindly be dismissed.

4) I have heard learned counsel for the applicant/accused, learned Addl. PP for State and perused the record file carefully.

5) The present bail application has been filed by the applicant-accused Rohit Bhatia in this case bearing FIR No.95 dated 01.04.2020, under Sections 307/489A/489B/489C/489D/34 of IPC r/w Section 22/21/29/61/85 of NDPS Act, Police Station City Kapurthala District Kapurthala on the ground that he is innocent and has been falsely implicated in the present case. The offence under

Section 307 IPC is not attributed to the applicant-accused Rohit Bhatia. The accused/applicant was not named in the FIR. The applicant-accused is in judicial custody since 2.04.2020. Presentation of challan and its disposal is likely take considerable time. No useful purpose will be served by keeping the applicant/accused in judicial custody for a long time and rather it would be a burdened on State exchequer. In these circumstances, the applicant-accused Rohit Bhatia is ordered to be released on interim bail in this case subject to his furnishing a personal bond in the sum of Rs.1,00,000/- to the satisfaction of Illaqa Magistrate/Duty Magistrate with the direction that in case after receipt of chemical examination laboratory, the salt in the recovered intoxicant injections turns out to be 'Commercial' quantity, the accused will have to surrender before the court.

6. The Hon'ble Punjab & Haryana High Court in CRM-M-11952 of 2020 (O&M) dated 30.03.2020 case titled as 'Ishu Grover @ Ishu @ Golu Vs. U.T. Chandigarh & other' has given specific direction to release the applicant-accused on furnishing his personal bonds without enforcing the condition of surety bonds/bail bonds. Further that a condition can be laid down that when the situation turns to be normal, the accused would be bound to furnish surety bonds/bail bonds. In such process, all the District & Sessions Judges in the State of Punjab, Haryana & U.T. Chandigarh shall issue

appropriate directions to the police and the jail authorities. Likewise, the Directors General of Prisons and the Jail Superintendent of all the three States are also directed to comply with the directives issued by the Courts. However, it is made clear that any accused from the jail shall only be released after complying with the administrative instructions/guidance issued in view of the outbreak of Covid-19, including maintaining of social distance and preventing community transmission.

7. As such, Superintendent, Modern Jail, Kapurthala is directed to release the accused/applicant on receipt of personal bond for a sum of Rs.50,000/- for the accused/applicant after complying with the administrative instructions/guidelines issued in view of the outbreak of Covid-19 including maintaining of social distance of preventing community transmission with a condition that when the situation turn to be normal and curfew is lifted, the accused would be bound to furnish surety bonds/bail bonds within 10 days after starting of normal working in the courts in the district as well as lifting of lockdown restrictions.

8. The copy of this order alongwith conditional release warrants be sent to the Superintendent, Central Jail, Kapurthala. Further the Superintendent, Central Jail, Kapurthala is directed to send the personal bonds after being attested to the court concerned at the earliest. Record file be

returned. Copy of this order be also sent to the Ilaqa Magistrate/Duty Magistrate for necessary compliance. The file of this bail application be sent to the court concerned dealing with the cases under NDPS Act of PS City Kapurthala, District Kapurthala forthwith for attaching the same with the remand papers of this FIR.

Announced in open court.
9.10.2020

Naresh.

(Jaspal Verma)
Additional Sessions Judge
Kapurthala (Duty).
(UID No.PB0136)

1944-BA-2020- Rohit Bhatia Vs. State
CNR No. PBKP010039562020

Present: Sh.B.S.Kalra, Advocate, for the
applicant/accused through video conference.
Sh. Shailender Gill, Addl. PP for the State
through video conference.

Arguments heard on the bail application through
video conference. Vide my separate and detailed order of even
date, the bail application filed by applicant-accused Rohit
Bhatia has been allowed. The file of this bail application be
sent to the court concerned dealing with the cases under
NDPS Act of PS City Kapurthala, District Kapurthala
forthwith for attaching the same with the remand papers of
this FIR.

Announced in open court.
9.10.2020

Naresh.

(Jaspal Verma)
Addl. Sessions Judge,
Kapurthala. (Duty)
(UID No.PB0136)