

IN THE COURT OF MRS.PREETI SAHNI,
JUDGE,SPECIAL COURT, MANSA
(UID NO.PB0078)

Bail application No.09

Date of institution: 04.01.2024

CIS No.BA/20/2024

CNR No.PBMN010000662024

Date of decision: 11.01.2024

State

Versus

Gurpreet Singh alias Gopi, aged about 37 years, son of Harjinder Singh,
resident of Makha Chehlan, Tehsil and District Mansa, now confined in
District Jail, Mansa.

--- Applicant-accused

Bail application under Section 439 of the Cr.P.C.

FIR No.147 dated 19.12.2023

under Section 22/61/85 of the NDPS Act,

Police Station, Joga, District Mansa.

Present: Shri Naval Kumar Goyal, Advocate, Counsel for applicant-
accused.

Shri Harvinder Singh, Public Prosecutor for the State.

ORDER

Accused-applicant has moved the bail application under
Section 439 Cr.P.C. seeking grant of regular bail.

2. It is alleged that the applicant-accused is innocent and has been falsely implicated in the present case; he is in custody since 19.12.2023; he has not committed any offence; nothing is to be recovered from the possession of applicant-accused; he is no more required for further investigation and recovery purpose and no useful purpose would be served to keep the applicant behind the bars. He thus prays for grant of bail.

3. Notice of the bail application was given to the State. Learned Public Prosecutor appeared on behalf of the State and opposed the bail application.

4. Heard. Police record received. Perusal of police record reveals that applicant-accused was found in possession of 50 loose intoxicant tablets without any permit or licence on 19.12.2023 in the area of Police Station, Joga and since then he is in custody. The report of chemical examiner has not been received so far. The learned counsel placed reliance upon **Criminal Misc. No.1140 of 2012 decided on 30.01.2014 titled as "Inderjit Singh @ Ladi vs State of Punjab"**, wherein, it has held that "in case there is delay in the report of chemical examiner, this would entitle the offender of at least interim bail till the report is finally received".

5. So keeping in view the above said recovery from the possession of accused, this court is of the view that accused is entitled to get interim bail till report of chemical examiner is finally received as per ratio of the above said judgment. Accordingly, the applicant-accused is ordered to be released on interim bail till receiving of chemical examiner

report subject to furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount each subject to the following conditions:-

- i. The applicant-accused will neither leave the country without prior permission of the court.
- ii. The applicant-accused will not tamper with the prosecution evidence.
- iii. In case after the receipt of report of chemical examiner, the alleged contraband recovered from the possession of applicant-accused is found to be commercial, in that event, this order of releasing applicant-accused on interim bail shall stand automatically vacated and in that event, applicants-accused would surrender in the court.

6. With the above observations, present bail application under Section 439 Cr.P.C. stands disposed of. Bail application file be tagged with the pending remand papers.

Announced:
11.01.2024

(Preeti Sahni)
Judge, Special Court, Mansa
(UID No.PB0078)

Sukhwinder Singh Stenographer G-II

CNR No.PBMN010000662024

BA/20/2024

State Vs. Gurpreet Singh alias Gopi

Present: Shri Naval Kumar Goyal, Advocate, Counsel for applicant-accused.
Shri Harvinder Singh, Public Prosecutor for the State.

Shri Harvinder Singh, Public Prosecutor appeared for the State. Arguments heard. Vide separate detailed order of today, this bail application stands disposed of. Bail application file be tagged with the pending remand papers.

Announced:
11.01.2024

(Preeti Sahni)
Judge, Special Court, Mansa
(UID No.PB0078)

Sukhwinder Singh Stenographer G-II