

**In the Court of Kanwaljit Singh Bajwa,
Judge, Special Court, Pathankot.
(UID No. PB00059)**

PBPO010000022020



Bail Application No.	3/2020
BA No.	: 2/2020
CNR No.	PBPO010000022020
Presented on	: 03.01.2020
Registered on	: 03.01.2020
Decided on	: 15.01.2020

Rishi Tondon, aged 28 years son of Sh.Ramesh Singh Tondon, resident of Village Kangri, Palampur, Panchruki, District Kangra, Himachal Pradesh.

...Accused/Applicant.

Versus

State of Punjab.

...Respondent.

...

FIR No.125 dated 23.10.2019.
Under Section 18/61/85 of NDPS Act.
Police Station Sujanpur.

...

Bail application under section 439 Cr.P.C.

...

Present: Sh.Amit Saini Adv., counsel for the accused /
 applicant.
 Sh.Vivek Puri Addl. Public Prosecutor for the State.

ORDER:

1. Accused / applicant – Rishi Tondon son of Sh.Ramesh Singh
Tondon, resident of Village Kangri, Palampur, Panchruki, District Kangra,

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***Rishi Tondon Vs State of Punjab* 2**

Himachal Pradesh, has sought regular bail under Section 439 Cr.P.C in the aforesaid FIR.

2. The FIR in the present case was registered under Section 18 of the NDPS Act on the allegations that recovery of 1 Kilo 5 Gram of Opium was effected from the possession of accused/applicant Rishi Tondon along with their co-accused Ashwani Kumar and Sanjay Kumar alias Sanju which they were brought in Ertiga bearing registration No. HR-26-BU-6124.

3. It was contended by the learned counsel for the accused / applicant that the police has registered a false FIR against the accused / applicant. The accused/applicant has not committed any offence. The police has manipulated the false recovery. In fact the accused / applicant has no concern with the recovery affected in this case. It has been further contended that the accused/ applicant has been falsely implicated in this case and has no concern with the occurrence as alleged in the FIR. The accused/applicant is coming into custody since 23.10.2019. As such the accused/applicant is entitled to be released on bail.

4. On the other hand, the learned Additional Public Prosecutor for the State has submitted that in view of the heavy quantity of the recovered contraband, the accused/applicant is not entitled to be released

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on bail.

5. I have considered the aforesaid contentions raised by the learned counsel for the accused/applicant as well as the learned Additional Public Prosecutor for the State and have gone through the record.

6. As per case of the Investigating agency contraband in the shape of Opium weighing 1 Kilo 5 Gram was recovered from the Car bearing No. HR-26-BU-6124 in which the applicant/accused was also travelling which was being driven by co-accused Ashwani Kumar. Co-accused Ashwani Kumar has already been granted bail by this Court vide order dated 20.12.2019. The recovery has already been made and the applicant/accused is coming into custody since 23.10.2019. Apparently, no recovery is to be effected from him. The contraband in the shape of Opium weighing 1 Kilo 5 Gram falls within non commercial quantity as provided in Table as annexed in the NDPS Act and as such bar under Section 37 of the Act would not operate against the present applicant/accused. Investigation has not been completed so far and it will take sufficient long time for presentation of challan, commencement of trial and conclusion thereof. The applicant/accused cannot be kept behind the bars for an indefinite period. Accordingly, having regard to these facts and circumstances of the case, the applicant/accused is ordered to be released on bail on his furnishing bail bond and surety bond to the tune of

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₹.50,000/-with one surety of the like amount, to the satisfaction of learned Illaqa Magistrate, Area Magistrate/Duty Magistrate, subject to the following conditions:-

- (i). that he will appear on each and every date of hearing before the Court;
- (ii). that he will not tamper with the prosecution evidence;
- (iii). that he will not win over the witnesses, who are acquainted with the facts of the case;
- (iv). that he will not leave India without prior permission of the Court and
- (v). That he will not misuse the concession of bail.

Copy of this order be sent to the Court of learned Illaqa Magistrate, Area Magistrate/Duty Magistrate for information and necessary compliance. Bail application file be consigned to the Record Room.

Pronounced in open Court.

Dated : 15.01.2020

**(Kanwaljit Singh Bajwa)
Judge, Special Court
Pathankot**

(Ajay Kumar)
Stenographer-1

(UID No. PB00059)

“I attest to the accuracy and authenticity of this document.”

**(Kanwaljit Singh Bajwa)
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