

Rajat Ballu Vs. State of Punjab

**IN THE COURT OF SHRI AVTAR SINGH BARDA,
JUDGE SPECIAL COURT, PATIALA
UNIQUE IDENTIFICATION CODE NO. (PB0159)**

CNR no.PBPT010061692024

CIS No. BA-1987-2024

Date of Order: 2.7.2024

Rajat Ballu aged about 29 years son of Sh. Balkar Chand r/o H. No. 117,
Street No.1 Block No. 1, Sanjay Colony, Patiala, PS Kotwali, Patiala.

..... Bail applicant

Versus

State of Punjab

.... Respondent

F.I.R.No.59 dated 24.03.2024

U/ss 22/61/85 of NDPS and 21 of NDPS

Act added later on

P.S. Kotwali, Patiala

BAIL APPLICATION U/S 439 CR.P.C.

Present: Sh. Jatinder Ahuja, Advocate learned counsel for
accused/applicant.
Shri Vikas Garg, learned Addl.P.P for the State.

ORDER

1. Main trial file is called and perused. Heard on the bail application filed by accused under section 439 of the Cr.P.C.

2. In brief the case of prosecution is that on 24.03.2024 a police party headed by ASI Gurmail Gir was holding Naka on main

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road Gopal Colony (village Arai Majra) near Hanuman Temple and was checking the suspicion persons. At about 8.20 p.m. one hair cut person came from Rishi Colony, Patiala on Honda Activa bearing no. PB11-BJ-9104 who was hanging a bulky polythene on the handle of said Activa, who on seeing the police party threw said polythene on side of road and tried to turn back his Activa. He was apprehended on the basis of suspicion. On enquiry, he disclosed his name as Rajat Balu son of Balkar Chand. Thereafter, after completing the procedural formalities from the search of polythene thrown by accused 60 gram of Intoxicant Powder was recovered which was taken into police possession. Accused was arrested. On receipt of report of FSL, challan against the accused was presented in the court which is pending trial.

3. Notice of bail application was given to the State upon which, learned Additional Public Prosecutor put in appearance.

4. Learned counsel for bail applicant has argued that bail applicant has been falsely implicated in the present case. He further argued that applicant/accused is innocent and has been arrested in the present case on 24.3.2024 and since then applicant-accused is in judicial custody. It has been further argued that conclusion of trial will take time and further detention of applicant-accused is uncalled for. In last, he prayed for allowing the bail application.

5. On the other hand, learned Addl. PP for State has vehemently opposed the arguments of learned counsel for bail applicant and has

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argued that narcotic has been recovered from the possession of accused-applicant and as such, he does not deserve the concession of bail. In last, he prayed that bail application of bail applicant may kindly be dismissed.

6. I have heard the arguments submitted by learned Addl.PP for State as well as that of learned counsel for bail applicant and has gone through the record.

6. After hearing arguments submitted by learned Addl.PP for State as well as that of learned defence counsel and going through the record, it is revealed that as per prosecution version, applicant-accused was found in conscious possession of 60 Grams of intoxicant Powder. Now report of FSL has been received as per which the sample sent for analysis is found to be of Heroin and the recovered quantity in this case falls under non-commercial category as per schedule of NDPS. The applicant/accused is already in judicial lock-up since the date of arrest i.e. 24.3.2024 and his custody is no longer required for further investigation of this case. No useful purpose would be served by detaining him in the custody, rather it will be a burden on state exchequer.

7. Resultantly, the present bail application is allowed and the applicant-accused is ordered to be released on regular bail subject to furnishing bail bonds in the sum of Rs.70,000/- with one surety in the like amount to the satisfaction of learned trial court/duty judge subject to the following conditions.

- (i) That accused/applicant shall not directly or indirectly make any inducement, threat or promise to any person

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acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(ii) That accused/applicant shall not leave the country without prior permission of the court.

(iii) That accused/applicant shall appear in the court on each and every date of hearing.

8. Bail application file be attached with main trial.

Pronounced: 2.07.2024.
jaspal Singh, stenographer I

(Avtar Singh Barda)
Judge Special Court,
Patiala
UID No. (PB0159)
This order has been directly dictated on the computer.

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Present: Sh. Jatinder Ahuja, Advocate learned counsel for
accused/applicant.
Shri Vikas Garg, learned Addl.P.P for the State.

Main trial file called and perused. An application for correction/addition in the offence in the head note of bail application has been filed on the ground that offence u/s 21 of NDPS Act is added later on. Keeping in view the reasons mentioned in the application, same is allowed. Amended head note filed and same is taken on record.

Arguments heard and vide my separate detailed order of even date, the bail application of applicant-accused is allowed. Bail application file be attached with the main trial file.

Pronounced:2.7.2024.
jaspal Singh, stenographer II

(Avtar Singh Barda)
Judge Special Court,
Patiala
UID No.(PB0159)

This order has been directly dictated on the computer.