

PBGD010046392025



Presented on : 08-05-2025

Registered on : 08-05-2025

Decided on : 17-05-2025

Duration : 0 years, 0 months, 9 days

**IN THE COURT OF
JUDGE SPECIAL COURT,
AT Gurdaspur
(Presided Over by Sh. Raman Goklaney)**

BA/1973/2025

Diwan Singh son of Gurmeet Singh, resident of Village Nikko Sran Waddi, PS Dera Baba Nanak, Tehsil Batala, District Gurdaspur.

..... Applicant/accused

versus

State of Punjab

.....Respondent.

First Application for bail u/s 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail.

FIR No. 36 dated 11.04.2025.

Under Sections : 21 & 29 of NDPS Act and Section 111 of BNS.

Police Station : Dera Baba Nanak, District Gurdaspur.

Present : Sh. Akash Mahajan Advocate Proxy counsel for Sh. Rahul Puri,
Advocate for applicant.

Sh.Amit Singh Aulakh, Addl. Public Prosecutor for State.

ORDER:

1. This order shall dispose off the first bail application preferred under the provisions of Section 483 of Bharatiya Nagarik Suraksha

Raman Goklaney,
Judge Special Court, Gurdaspur
Dated : 17.05.2025
UID No PB0687

Sanhita, 2023 for grant of regular bail filed by accused-applicant in case FIR No. 36 dated 11.04.2025 under Sections 21 and 29 of NDPS Act and Section 111 of BNS registered at Police Station Dera Baba Nanak, District Gurdaspur.

2. The facts, in brief, necessary for disposal/consideration of the present bail application are that 07 grams of Heroin recovered from accused Jagjit Singh by the police of Police Station Dera Baba Nanak. It is the case of the Investigating Agency that proper procedure for search and seizure has been followed while effecting recovery of 07 grams of Heroin. After the registration of FIR investigation ensued and apprehended accused Jagjit Singh disclosed that he along with Harpreet Singh, Kabal Singh, Kuldip Singh and Laddi have formed a syndicate and dealing with narcotic. On the disclosure made by Jagjit Singh, the aforesaid four individuals nominated as accused in the present FIR vide rapat No. 25 dated 11.04.2025 besides an addition of Section 111 of BNS. Kabal Singh arrested on 14.04.2025. Further on disclosure of Kabal Singh, accused namely Diwan Singh, Nishan Singh, Sukhraj Singh and Milkha Singh nominated in the FIR in question vide rapat No. 21 dated 15.04.2025 on the accusation that the contraband supplied by the said accused. Till this stage of investigation, Kabal Singh arrested on 14.04.2025, Diwan Singh arrested on 15.04.2025 and Milkha Singh arrested on 17.04.2025, whereas accused Harpreet Singh joined investigation on 05.05.2025. After the arrest of Kabal Singh nothing incriminating recovered from him.

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3. Sh. Akash Mahajan Advocate, proxy counsel for Sh. Rahul Puri, Advocate, learned counsel for the accused-applicant submitted that accused-applicant is in custody since 15.04.2025 and apart from disclosure statement by co-accused, there is no incriminating material against the accused-applicant. By submitting that the completion of investigation and conclusion of trial would take long time prayer is made for grant of concession of regular bail.

4. Per contra, Sh.Amit Singh Aulakh, Learned Addl.P.P. for the State opposed the bail application and submitted that accused-applicant is involved in heinous offence under narcotic Act which has far reaching effect on the society. With these submissions, prayer is made for dismissal of the bail application.

5. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that accused-applicant has been nominated in the present FIR in question on the disclosure statement of co-accused Kabal Singh while he was in custody. Accused-applicant/ Diwan Singh arrested on 15.04.2025 and nothing incriminating has been recovered from him. Till this stage of investigation, no cogent and convincing material so as to substantiate the accusation under Section 29 of NDPS Act and Section 111 of BNS has been collected by the Investigating Agency. Investigation of the present case is still going on. Completion of investigation and conclusion of trial would take considerable long time. Keeping the accused-applicant behind the bars for indefinite period would not serve any

purpose. So, under these circumstances, the present application for regular bail filed by applicant-accused is hereby allowed and accused-applicant is ordered to be released on bail on his furnishing bail bonds in the sum of Rs. 50,000/- with one surety in the like amount subject to the following conditions:-

- i. That applicant-accused shall not indulge in any activity similar to the activities on the basis of which aforesaid criminal case stood registered against him for the offences under the NDPS Act.
- ii. That applicant-accused shall not undertake any action which is prejudicial to proceedings during the course of trial.
- iii. That applicant-accused shall attend all the dates during the trial unless prevented by any reasonable cause.
- iv. That applicant-accused neither personally nor through anyone make any attempt to influence the witnesses or tamper with the evidence.
- v. That applicant-accused shall not leave India without the prior permission of the Court.
- vi. It is to clear that in case there is any recurrence /repetition on the part of the applicant involving him similar nature of offence, then the state would be at liberty to move an application for recalling/ cancelling this order granting bail.
- vii. The grant of bail is conditioned upon accused/applicant's diligent participation in the trial. This includes, but is not limited to, the timely cross-examination of witnesses and adherence to the Court's schedule. Failure to comply with these conditions, including any deliberate delay in proceedings may result in the cancellation of bail and the accused/applicant would be sent to judicial custody.

6. However, it is made clear that observations made herein above shall not be construed as an expression on the merits of the main case. Police record be returned and bail application file be tagged with the remand papers pending in this Court.

**Pronounced in open Court.
On 17.05.2025.**

**(Raman Goklaney)
(UID No PB0687)
JUDGE SPECIAL COURT,
Gurdaspur.**

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**Raman Goklaney,
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