

**IN THE COURT OF RAVI INDER SINGH
JUDGE, SPECIAL COURT,
MANSA.**

CIS No.BA/1986/2023
CNR No. PBMN01005300/2023
Decided on : 12.12.2023

State of Punjab.

Versus.

Gurdeep Singh, aged about 24 years, son of Sukhwinder Singh son of Mukhtiar Singh, resident of village Lakhiwala, Tehsil Budhlada, District Mansa.
--Applicant/accused

FIR No.191 dated 21.10.2023
under Section 22 of the NDPS Act,
Police Station Boha.

First bail application under Section 439 Cr. P.C.

Present; Shri B.S.Sodhi, Advocate for applicant-accused.
 Shri Jasvir Singh, Addl. PP for the State-respondent.

ORDER

GROUND'S MENTIONED IN THE APPLICATION

The instant application for grant of regular bail has been moved on behalf of accused/applicant Gurdeep Singh mainly on the grounds of false implication; the alleged recovery being non-commercial quantity; non-compliance of provisions of NDPS Act and applicant being in custody since 21.10.2023.

NATURE OF OFFENCES IN FIR:

2. The present FIR under Section 22 of the NDPS Act was registered against accused Gurdeep Singh and Karma Singh at Police Station Boha for the

alleged recovery of 260 tablets of Tramadol Hydrochloride 100 mg Tablets Radol 100 from a polythene bag carried by the applicant and co-accused.

ANTECEDENTS OF THE APPLICANTS-ACCUSED

3. As per statement of SI Gurtej Singh No.190/Mansa, PS Boha, except the present case, two other FIRs i.e. FIR No.102 dated 01.10.2016, under Section 457, 380 IPC, P.S.Boha and FIR No.103 dated 30.08.2023, under Section 454, 380 IPC, P.S.Boha were registered against the applicant-accused.

ARGUMENTS ON BEHALF OF APPLICANT

4. Learned counsel for applicant while reiterating the grounds mentioned in the bail application has further submitted that RTFSL report is yet to be received and the applicant is in custody since 21.10.2023 and the conclusion of the trial is likely to take long time, the instant application may be allowed.

ARGUMENTS ON BEHALF OF STATE:

5. Learned Addl.PP for the State while opposing these submissions has relied upon the nature and gravity of the offence and prayed for dismissal of bail application.

OPINION:

6. Heard. Record perused. Report of FSL is awaited as informed by the police and at this stage it is not clear as under which category the quantity of alleged recovery falls. The applicant is in custody since 21.10.2023. Therefore, without commenting upon the merits of the main case, the applicant is ordered to be released on interim bail till presentation of chemical report and subject thereto, on following conditions:-

(i) The applicant will furnish personal bonds of Rs.50,000/- with one surety in the like amount, before the Court of learned Illaqa Magistrate/Duty Magistrate,

(ii) Applicant also will undertake (surety till the accused is released from custody) that in case as per the report of Chemical Examiner the quantity comes out to be commercial category, in that eventuality he will surrender before the court.

7. It is clarified that after compliance of above given condition No.(ii), applicant would be at liberty to file fresh application for regular bail, as, in that eventuality, the quantity of contraband would be one of the guiding factors for disposal of such bail application.

8. In case the applicant do not furnish bail bonds and surety bonds in compliance of this order within a period of one month from the date of order, Ahlmad is directed to report with regard to the same so that the undersigned may consider as to whether the conditions of bail require modification or relaxation. Ahlmad is also directed to send the soft copy of this order by email to the bail applicant through the Jail Superintendent today itself. Ahlmad is directed to send the copy of this order to the Court of learned Illaqa Magistrate. Ahlmad is directed to append this bail application with the relevant papers for the date fixed.

Pronounced on: 12.12.2023

(Harjinder Singh)

(Ravi Inder Singh)
Judge, Special Court,
Mansa, UID No.PB0237.

CNR No. PBMN01005300/2023

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State Vs. Gurdeep Singh

Present; Shri B.S.Sodhi, Advocate for applicant-accused.
Shri Jasvir Singh, Addl. PP for the State-respondent.

SI Gurtej Singh is present and his statement regarding antecedents of applicant has been recorded. Arguments heard. Vide my separate detailed order of even date, present bail application under section 439 Cr. P.C. stands allowed. Police record is returned. Ahlmad is directed to append this bail application with the relevant papers.

Pronounced on: 12.12.2023

(Harjinder Singh)

(Ravi Inder Singh)
Judge, Special Court,
Mansa,
UID No.PB0237.