

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-38121 of 2015
Date of Decision: 11.12.2015**

Sandeep Singh alias Sona

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 85 dated 8.5.2015 under Section 304 IPC and Sections 22/29/61/85 NDPS Act, registered at Police Station Kotwali, Kapurthala.

Learned counsel for the petitioner submits that there is no allegation against the petitioner so far as NDPS ACT is concerned. No recovery was effected from the petitioner. So far as offence under Section 304 IPC is concerned, learned counsel for the petitioner would contend that the deceased Resham Singh was an addict and he died because of heavy dose of intoxicant taken by him. Petitioner had no role to play in either of situations. He also submits that since prosecution evidence is yet to start, conclusion of trial will take pretty long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Lakhwinder Singh, submits that there are direct

and serious allegations against the petitioner. He further submits that the petitioner took the deceased along with him and administered some intoxicant substance by way of injection due to which Resham Singh died. He prays for dismissal of the present petition.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that since the co-accused of the petitioner has already been granted the concession of pre-arrest bail by this Court, petitioner is also found entitled for the concession of bail pending trial. So far as offence under the NDPS Act is concerned, nothing has been alleged against the petitioner even by the learned counsel for the State. Keeping in view the peculiar facts and circumstances of the case, it shall be a debatable issue before the learned trial court, as to whether the petitioner, as a matter of fact, committed offence under Section 304 IPC or not. Further, since prosecution evidence is yet to start, conclusion of trial will take some time.

In view of the above and without commenting any further on merits of the case, lest it should prejudice the case of either side, at a later point of time, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

11.12.2015
Ak Sharma