

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

CRM No. M-14102 of 2017.

Date of Decision: 01.05.2017.

Lakhwinder Singh @ Lakha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. A.S. Sekhon, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.113 dated 05.10.2015. registered under Section 302 read with Section 34 IPC at Police Station Sadar, Faridkot, District Faridkot.

Learned counsel for the petitioner contends that initially, the petitioner was nominated as accused along with Arashdeep Singh and Rajdeep Singh @ Gorkha. During investigation, no incriminating evidence could be collected against Arashdeep Singh and Rajdeep Singh @ Gorkha. The only incriminating evidence against the petitioner, as per the FIR, is that the death occurred at the house of the petitioner. It is contended that the deceased was a drug addict and had been taking morphine injections which is duly reflected in the inquiry

report dated 24.04.2016⁷ submitted by DSP Sukhdev Singh. Learned counsel refers to post-mortem examination report to state that the doctor had noticed injections marks/punctured wounds measuring 0.5 x 0.1 cm on the right cubital fossa area (anterior surface of the elbow joint) with bluish discoloration of surrounding skin in an area with diameter of 1.5 cm and on dissection, extra vasation of blood was seen in underlying sub cutaneous tissues which further indicates that the petitioner was a frequent drug user. The death in the present case took place due to overdose of morphine. The petitioner is in custody since 12.12.2015.

On the other hand, the learned State counsel submits that there is last seen evidence against the petitioner as reflected in the statement of Amandeep and Rampal Singh.

Heard.

As per the post-mortem examination report, no injury was noticed on the dead body of the deceased. In view of the description of the dead body and the fact that challan stands presented and the complainant has been examined, the petitioner is in custody since 12.12.2015, out of 17 prosecution witnesses, one has been examined so far, therefore, it can be safely concluded that the conclusion of trial will take a long time so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and

surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

01.05.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No