

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

213

CRM-M-3573-2019 (O & M)
Date of Decision:01.02.2019

Varinder Singh @ Shinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhishek Singla, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner Varinder Singh @ Shinda has filed this petition seeking regular bail in case FIR No.136 dated 04.11.2018, under Sections 304 and 34 of the Indian Penal Code ('IPC' – for short) registered at Police Station Sadar Balachaur, District Shaheed Bhagat Singh Nagar.

The FIR was registered on the statement of the complainant Avtar Singh, who had submitted that on 04.11.2018 around 8.00 am, he received the information that his son Sukhwinder Singh alias Sukha is lying unconscious in his three wheeler near Raman Dhaba in the area of Rakkran Bet. Upon this, the complainant had gone to the pointed place and found dead his son Sukhwinder Singh alias Sukha in three wheeler. On enquiry, he came to know that on 03.11.2018 around 05.15 p.m., Varinder Singh alias Shinda son of Sadhu Singh (petitioner) had taken his son Sukhwinder Singh alias Sukha on his motorcycle to village Langroya and on the way

they met Surinder Kumar alias Mintu son of Ranjit Singh and then they had gone in the Maruti car of Surinder Kumar alias Mintu to Langroya, where they bought heroin (drug) from Suraj alias Ghora. Varinder Singh alias Shinda (petitioner) and Surinder Kumar alias Mintu had compelled his son Sukhwinder Singh alias Sukha to take the dose of heroin and due to that overdose, his son developed complications and thereafter they left his son in the three wheeler, where he died.

Learned counsel for the petitioner contends that the petitioner did not commit any offence and false allegations have been levelled against him that he compelled Sukhwinder Singh alias Shinda to take the dose of heroin. He further contends that investigation of case is complete. It is further contended that the co-accused of the petitioner namely Sooraj @ Ghoda had already been granted the concession of anticipatory bail by this Court vide order dated 01.12.2018 (Annexure P-2). It is argued that there is no evidence to connect the petitioner from the alleged crime as it was the voluntary act on the part of the deceased to consume drugs who died due to over dose.

On the other hand, the bail application is opposed by the learned State counsel who is assisted by ASI Manjit. It is contended that the petitioner along with one Surinder Kumar alias Mintu have compelled Sukhwinder Singh alias Sukha to take heroin and due to overdose of that, he died. However, it is not disputed that the trial is yet to commence.

Considering the above facts and circumstances, the stage of the trial which is likely to take some time, further custody of the petitioner is not justifiable. Therefore, without meaning any expression of opinion on the

merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

01.02.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No