

CRM-M-8599-2019

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

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Date of Decision: 05.03.2019

Vishal Bhatia

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rakesh Gupta, Advocate,
for the petitioner.

Mr. Navdeep Singh, AAG, Haryana.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.41 dated 16.05.2018, registered at Police Station Naggal, District Ambala, under Sections 201, 302 and 328 of the Indian Penal Code.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that as per the prosecution version, deceased-Shubham @ Golu had accompanied the present petitioner alongwith other co-accused for taking drugs. As per the prosecution version, all the accused including the present petitioner had given

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overdose of drugs to the deceased, when he had refused to pay the share of his drugs. In the post-mortem report and FSL report, it is mentioned that cause of death could not be ascertained in the present case. As argued, PW 1 Harvinder Singh @ Monu, witness of last seen, has turned hostile and not supported the prosecution version.

The petitioner has been in custody since 20.05.2018.. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case. Moreover, co-accused has already been granted bail by this Court vide order dated 11.01.2019 passed in CRM-M-45421-2018 and, therefore, on the ground of parity also, the petitioner is entitled to the benefit of bail.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

05.03.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No