

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13763-2019 (O&M)

Date of decision:09.05.2019

Jaswinder Singh @ Jassi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No. 36 dated 16.04.2018 under Sections 302, 341, 201 of IPC, registered at Police Station Doraha, District Ludhiana.

It is contended by learned counsel for the petitioner that he has been unnecessarily dragged in the case. However, despite the thorough investigation, the police had not found any material to connect the petitioner to the alleged crime. The death of the deceased is also due to overdose of the narcotic substance. Hence, strictly speaking, it is not even a case of murder as such. However, in any case, the only alleged evidence against the petitioner is the statement of the complainant himself. He has been examined as PW-2 before the trial Court. Although in the examination-in-chief he has mentioned the name of the petitioner as an accused, however, in the cross-examination, he has admitted that he does not have any proof of any kind to show to the Court that it was the petitioner who had supplied that dose of the narcotic substance to the deceased. It is further submitted that besides this statement of the complainant, there is absolutely nothing

brought on record by the prosecution. It is further submitted that the petitioner is in custody since April, 2018. The evidence in the case has already been started and the petitioner is not required for any investigation purposes. Hence, he deserves to be released on bail pending trial.

On the other hand, learned State counsel, being instructed by SI Avtar Singh, submits that the petitioner has directly been named by the complainant as the person involved in this crime. His name has also been mentioned in the disclosure statement of the co-accused. However, it is not denied by the learned State counsel that the complainant himself has deposed before the Court on oath that he does not have any proof to substantiate the allegations levelled by him against the present petitioner. It is also not disputed by the State that except the abovesaid statement of the complainant and the alleged disclosure statement of the petitioner and his co-accused, there is nothing on record to link the petitioner to the crime.

In view of the above, but without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

09.05.2019
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No