

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

**CRM-M-No.23300 of 2019
Date of Decision:27.05.2019**

Simranjeet Singh

....petitioner

Versus

State of Punjab

.....respondent

CORAM: HON'BLE MR.JUSTICE RAJBIR SEHRAWAT

Present: Mr.Sunil Chadha, Senior Advocate with
Mr.Saurav Kanojia, Advocate
for the petitioner

Mr.Prabhjot Singh Walia, AAG Punjab

RAJBIR SEHRAWAT, J. (ORAL):

Prayer in this petition is for grant of bail pending trial to the petitioner in FIR No.36, dated 16.04.2018, registered with Police Station Doraha, Police District Khanna, District Ludhiana, under Sections 302,34 and 201 IPC.

It is stated by learned counsel for the petitioner that the petitioner has been involved in the case only on the basis of unsubstantiated suspicion of the complainant. Otherwise, despite the thorough investigation of the case, the investigating agency has not been able to find out anything against the petitioner so as to connect him to the alleged crime. It is further submitted that since the allegation qua the death of deceased is due to overdose of narcotic substance, therefore, strictly speaking, it is not even a case of murder as such. Still further, it is submitted that the prosecution has not been able to produce the report of chemical examination, so far, so as to establish the cause of death. Otherwise, the complainant-Jagtar Singh, who

has been examined as PW-2 before the trial Court, has admitted in the cross examination that he does not have any proof that it was the petitioner who had procured the intoxicant from co-accused Jaswinder Singh. Still further, the complainant has admitted in the cross-examination that he has named the petitioner in the case only on the basis of suspicion. Learned senior counsel for the petitioner has further submitted that the petitioner is in custody since 16.04.2018. The prosecution witnesses are being examined. Therefore, the petitioner is not required for any further investigation.

On the other hand, learned state counsel, being instructed by SI Avtar Singh, submits that brother-in-law of the petitioner is the beneficiary on account of the death of the deceased. Therefore, there has been a positive participation by the petitioner in commission of murder of the deceased. However, it is not disputed that the complainant has admitted that he has named the petitioner only on the basis of suspicion and that there was no other evidence to connect the petitioner to the crime as such, except the statement of the complainant. It is also not disputed that the petitioner is in custody since 16.04.2018 and that he is not required for any investigation purposes.

In view of the above, but without commenting upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

27.05.2019

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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes.
No