

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

**CRM-M No. 53101 of 2018
Date of Decision:-25.03.2019**

Sooraj alias Ghoda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. B.K. Mehta, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.136 dated 04.11.2018, under Sections 304/34 IPC, registered at Police Station Balachaur, District Shaheed Bhagat Singh Nagar.

The FIR was registered on the statement of complainant Avtar Singh on the allegations that his son Sukhwinder Singh @ Sukha had died due to overdose of intoxicant substance. Avtar Singh also reported to the police that Varinder Singh @ Shinda and Surinder Kumar @ Mintu instigated his son to take intoxicating substance and these persons had purchased the intoxicant from Sooraj Kumar @ Ghoda (petitioner). As per complainant, due to overdose of the intoxicating substance i.e. heroin, supplied by the petitioner, his son Sukhwinder Singh was died and his body was found in the three-wheeler.

On 01.12.2018, this Court had passed the following order :-

“Learned counsel for the petitioner contends that there is nothing to connect the petitioner with the alleged offence as the entire allegations in the FIR were founded on the hearsay material.

Notice of motion for 09.01.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of the order dated 01.12.2018, the petitioner has joined the investigation.

Learned State counsel on instructions of ASI Jarnail Singh submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 01.12.2018, is made absolute.

The petition stands allowed.

March 25, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No