

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

206

CRM-M-54284-2018 (O & M)
Date of Decision:01.02.2019

Deepak

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner Deepak has filed this petition seeking regular bail in case FIR No.240 dated 03.09.2018, under Section 304 of the Indian Penal Code ('IPC' – for short) registered at Police Station Division No.6, District Jalandhar.

Initially, the FIR was registered on the information given by secret informer that at the backside of Pal Hospital at Ravi Das Park, one Sikh Boy was lying dead near the electricity pole. His name was given as Manpreet Singh @ Jassa son of Bhupinder Singh caste Jatt resident of House No.1394, Laftifpura, Dariya, Jalandhar and the cause of death described was overdose of intoxicating substance. It was further mentioned that the deceased had taken over dose of intoxicating substance which was purchased from some unknown person.

Learned counsel for the petitioner contends that the petitioner

drugs which was consumed by the deceased. It is contended that it is not the case of the prosecution that the petitioner administered the drugs to deceased Manpreet Singh @ Jassa. 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 of over dose. It is contended that the investigation of the case is complete and challan stands filed on 07.12.2018.

On the other hand, the bail application is opposed by the learned State counsel who is assisted by ASI Aktar. It is contended that 105 grams of intoxicating powder was recovered from his house and separate case under NDPS Act was registered against him. It is not disputed that in the said case he is on regular bail. It is further pointed out that other two co-accused namely Darshan and Abhijot Singh had disclosed that the drugs were purchased from Deepak. The case set up against Darshan and Abhijot Singh is that they also consumed drugs with deceased Manpreet Singh @ Jassa. 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 more 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