

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

CRM-M No. 54487 of 2018

Date of decision : 06.02.2019

Pappi Singh @ Sukha @ Sukhwinder Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Amandeep Singh, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 170 dated 04.07.2018 under Section 304 of the Indian Penal Code, 1860 (for short - 'IPC'), registered at Police Station – Daba, Distt. Ludhiana during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case and no offence is made out under Section 304 IPC. As per the chemical examiner report, the cause of death was due to administration of poison. As per statement of the complainant, his son died due to overdose of intoxicated injection and he was in habit of taking drugs. There was no role of the petitioner in causing death of son of the complainant. Learned counsel also submits that the petitioner is in custody since 05.07.2018 and no connecting evidence has been collected during the

investigation. Challan has been presented and charges have also been framed. Case has been committed to the Court of Sessions on 04.02.2019. Trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody of the petitioner since 05.07.2018 as well as the stage of the trial.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

By considering the custody of the petitioner since 05.07.2018 and also the fact that there is no eye witness of the occurrence; as per opinion of the doctor the death has occurred due to overdose as stated in the complaint made by father of the deceased before lodging of the FIR; no purpose would be served by keeping the petitioner in custody, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

06.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No