

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

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CRM-M-27944-2019 (O & M)  
Date of Decision:24.07.2019

Joga Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

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**MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.71 dated 04.07.2018, under Sections 302, 120-B IPC and Section 27 of NDPS Act, registered at Police Station Kathu Nangal, District Amritsar.

The prosecution case is that the complainant got recorded his statement with the allegations that on 25.04.2017, his son Rajbir Singh had gone to Verka Dairy, Amritsar for seeking admission and at 02.30 pm, he came back. The family went to Todarmal in a marriage and at 5.00 pm, his son told him on phone that one Bhidu and Joga Singh had given him injection and he is not aware as to what was happening to him and when complainant returned home, they saw that his son was not well and was saying that he had been given injection by aforesaid person and thereafter he expired.

Learned counsel for the petitioner contends that the victim died

on 25.04.2017 as a result of over dose of narcotic substance and the

proceedings under Section 174 Cr.P.C. were carried out. He submits that FIR was lodged after a period of one year and three months after the death on the statement of the father of the deceased namely Pritam Singh, who expressed suspicion upon the petitioner. He further contends that the complainant indicted the petitioner on the ground that the alleged narcotic substance was given by Joga Singh and his co-accused namely Bhupinder @ Bhindu. He further contends that the investigation of the case is complete and the complainant has already deposed before the trial Court. According to him, further custody may not be justified.

On the other hand, learned State counsel assisted by ASI Kewal Krishan has opposed the bail application on the ground that after the investigation, involvement of the petitioner in the crime was found. However, it is not disputed that the complainant has already deposed before the Court and the doctor, who conducted the post-mortem, has also stated before the Court that the possibility of victim being drug addict cannot be ruled out.

Considering the above back ground and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

24.07.2019

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**(MANOJ BAJAJ)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No