

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-30451 of 2019
Date of Decision: 15.10.2019

Swaranjeet Kaur @ Gagan

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.122 dated 18.06.2019 registered for the offence punishable under Section 304 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Canal Colony, Bathinda, District Bathinda.

Heard.

Learned counsel for the petitioner submits that as per allegations in the FIR, Jyoti (deceased), who was working in an orchestra, was living on rent in the house of Seema wife of Arvinder Kumar. In order to usurp her income, Seema in connivance with Swaranjeet Kaur @ Gagan (petitioner) and Manpreet Singh @ Manna administered her intoxicant and she became drug addict. The complainant, who was in friendship with Jyoti (deceased), was also made an addict. On coming to know, parents of complainant started his treatment. Whenever Jyoti demanded her money from Seema, Swaranjeet Kaur @ Gagan and Manpreet Singh @ Manna,

they administered intoxicant to her. Due to overdose of narcotics, Jyoti was got admitted in Civil Hospital, Bathinda, where she died.

Learned counsel for the petitioner submits that as per allegations in the FIR, Jyoti had died due to overdose of intoxicant. The petitioner is not involved in trade of narcotics and has no other case registered against her. She was arrested on 20.06.2019. After completion of investigation challan against her has been presented in Court, as such, her custodial interrogation is no more required and no purpose will be served by keeping her in custody.

Without expressing any opinion on merits of the case and keeping in view the fact that after completion of investigation challan against the petitioner has been presented in Court and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Swaranjeet Kaur @ Gagan is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

October 15, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No