

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37890 of 2019
Date of Decision: 12.09.2019

Kulwinder Kumar @ Binder Pandit

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

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.94 dated 13.04.2019 registered for offences punishable under Sections 304 read with Section 34 of Indian Penal Code (for short, "IPC"); 27 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Dhuri, District Sangrur.

Heard.

Notice of motion.

On asking of the Court, Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, son of complainant, namely, Inderpal Singh was found dead in the house of Kamaljit Singh. On interrogation, Kamaljit Singh disclosed that the previous day, he had taken Inderpal Singh to petitioner, who took some intoxicating substance from

Sainsi Basti, Badshahpur and handed over the same to Inderpal Singh. After taking that drug, both came to the house of Kamaljit Singh, where Inderpal Singh died. The complainant suspected that his son had died due to administration of some intoxicating substance given by the petitioner, which were taken by him from someone in *Sainsi Basti*.

The police after arrest of petitioner on 18.04.2019 recorded his statement, wherein he confessed that he is a drug addict and takes three drug injections daily, which he purchase from Surjit Kaur @ Charno, Jagjit Singh @ Jaggi and Goga, who are in the trade of selling narcotics. On 12.04.2019, he received call from Kamaljit Singh that his friend Inderpal Singh need intoxicating powder at which he (petitioner) asked them to visit him after sometime. Both came to his village in Figo car and they proceeded to house of *Sainsi* and purchased intoxicant from Surjit Kaur for ₹950/-. On the way Kamaljit Singh and Inderpal Singh dropped the petitioner at his residence and went in their Figo car. Kamaljit Singh made a telephonic call to petitioner in the night about overdose of drug to Inderpal Singh at which he suggested to give him some curd.

Learned State counsel on instructions from SI Baljeet Singh submits that the police has also recorded statement of independent witnesses, namely, Lakhwinder Singh and Darshan Singh. While Darshan Singh has deposed that he had seen the deceased and Kamaljit Singh going together, Lakhwinder Singh has stated that the petitioner had given some drugs to deceased in a glass.

The report of FSL is still awaited. *Prima facie* case of death as per investigation is consumption of some intoxicant. The role of petitioner as alleged in the investigation is that he had arranged intoxicating powder

for the deceased or at the most he had also facilitated administration of that intoxicant to deceased.

The police has presented challan against petitioner and three other accused, namely, Kamaljit Singh, Gurmeet Kaur and Jagjit Singh @ Jaggi. Jagjit Singh @ Jaggi and Gurmeet Kaur have already been released on bail by the trial Court.

Without expressing any opinion on merits of the case, keeping in view the nature of allegation against petitioner and the fact that police after completion of investigation has presented the challan and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Kulwinder Kumar @ Binder Pandit 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 his 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 his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 12, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No