

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

CRM-M No.56025 of 2018
Date of decision: 11th March, 2019

Swaran Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

In this first regular bail application filed by petitioner Swaran Singh under Section 439 Cr.P.C. in case bearing FIR No.126 dated 12.10.2018 under Sections 323, 354-B, 376-D, 506 IPC and Sections 21, 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 pertaining to Police Station Subhanpur, District Kapurthala. The complainant is an unmarried girl aged around 25 years who alleged that she came in contact with one Bholu co-accused non-applicant as well as the present petitioner Swaran Singh, who is an acquaintance of Bholu. It is alleged that both these accused took the complainant under their influence and as a consequence of which the complainant started supplying drugs to clients on the asking of the accused petitioner and others and even she herself was hooked to the drugs and on her complaint the present case was got registered.

Learned counsel for the petitioner Mr.Prateek Pandit, Advocate inter alia contends that there is no allegation of rape or having ever abetted commission of rape of complainant by the petitioner and the allegations of rape have been levelled only against one Jasbir Singh alias Shiri and that at the time of alleged occurrence on 10.10.2018 the petitioner was confined in de-addiction centre of Civil Hospital, Kapurthala and that the petitioner is behind bars since 17.10.2018.

On behalf of the State, Mr. A.S. Sandhu, Addl. Advocate General, Punjab on instructions from SI Davinder Singh, Police Station Subhanpur, District Kapurthala, does not dispute the facts brought to the notice of this Court by learned counsel for the petitioner, but has opposed grant of bail on the grounds that the petitioner has been instrumental in inducing the complainant into drugs.

Appreciating the arguments of the two sides, there is no specific allegation against the petitioner or instance when and how the petitioner has been instrumental in introducing the complainant to drugs or hooked her to this menace. Neither, as has been conceded to at the bar by learned State counsel, there is any allegation of rape nor connivance at this by the petitioner. He is behind bars for a long time. Culpability, if any, shall be determined at the trial, which is not likely to conclude in the near future. Thus, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the

satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kapurthala.
However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

March 11, 2019

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No