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

**CRM-M-12616-2020
Date of Decision: 31.07.2020**

Resham @ Chitti

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ranbir Singh Sekhon, Advocate,
for the petitioner.

Mr. S.S. Deol, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.246 dated 03.11.2018, under Section 304 of the I.P.C., registered at Police Station Sadar Ferozepur, District Ferozepur.

2. In compliance of the last order dated 28.07.2020, Ld. State Counsel has drawn attention of the Court to the statements of two material witnesses recorded by the Investigating Officer under Section 161 of the Cr.P.C. The first one happens to be the statement given by Sarpanch, namely Mangal Singh, of the concerned area on 03.11.2019, according to whom, the petitioner, along with his accomplices, had made an Extra Judicial Confession to the effect that they had been selling drugs to the deceased regularly, and that

on the relevant date, the deceased had purchased a large quantity of drugs, worth Rs.600/-. Thereafter, the deceased is stated to have consumed the over dosage of drugs, which led to his death subsequently. The other statement happens to be that of witness Sukhwinder Singh, who, like the deceased, claims to be a drug addict himself and had similarly stated that the deceased had died on account of taking over dosage of whatever drug he had illegally purchased from the petitioner and his accomplices.

3. The petitioner was arrested more than one year ago, on 16.06.2019. Thereafter, challan against him has been submitted under Section 304 of the I.P.C.

4. Without commenting on the merits of the case, it may be remarked at this stage that the available incriminating material transpiring from the statements of the concerned witnesses might indicate liability of the petitioner for any offence pertaining to dealing with illegal drugs or psychotropic substances, but none of the statements make any mention of the fact that the petitioner in any manner consciously forced or induced the victim to consume an over-dosage of the drugs, which would have been a *sine qua non* to constitute the ingredients of the offence under Section 304 of the I.P.C. for causing death of the victim by any act in the ordinary course of nature, for which offence alone, the challan against the petitioner has been filed. The fact of the matter would remain that the over-dosage was apparently taken by the victim himself voluntarily.

5. Taking the aforesaid factors into account, along with the situation that so far only 4 prosecution witnesses, out of the total 15 prosecution witnesses, have been examined and the trial has become largely stalled on

account of the ongoing COVID-19 Pandemic and would take its own time to conclude, as also considering the long detention undergone by the petitioner, he is ordered to be released on regular bail, subject to the appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Disposed off.

31.07.2020

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No