

CRM-M-39495-2018
Date of Decision: 27.02.2020.

Sitara Singh alias Bholu ... Petitioner
vs.
State of Punjab .. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. G.K.Mann, Advocate, for the petitioner.

Mr. B.S.Sewak, Additional Advocate General, Punjab.

Mr. S.L.Chander Shekhar, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

The FIR bearing No. 0112 dated 24.06.2018 under Sections 302/34 IPC has been registered on the basis of statement of Balwinder Kaur alleging that on 25.04.2018, Mukhtar Singh, Palwinder Kaur, Sitara Singh alias Bholu (petitioner) and Kanwaljit Kaur have killed Surjit Singh, the son of the complainant by forcibly giving heroin injection to him. The accused are indulging in the business of sale of heroin and Surjit Singh used to restrain them from doing so.

At the earlier instance, in terms of order dated 14.09.2018, the petitioner was ordered to be released on interim bail.

It has been stated by learned counsel for the petitioner that there is delay of two months in lodging the FIR; no post-mortem examination or proceedings under Section 174 Cr.P.C. were conducted and no case under the NDPS Act has been registered against the petitioner or any of the co-accused. Furthermore, co-accused-Palwinder Kaur, Kanwaljit Kaur and Mukhtar Singh, have already been granted pre-arrest bail by this Court.

This factual position has not been disputed by the learned State counsel, however, he contends that that challan has not been presented in the Court till date and furthermore, the urine sample of the deceased was taken during the period he was admitted in the hospital.

It has been pointed out by learned counsel for the petitioner that the deceased himself was an addict.

Keeping in view the entire circumstances of the case and without making any observation on the merits of the case, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed and petitioner is directed to be released on bail, subject to his furnishing fresh bail/surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate concerned, within reasonable time period that may be granted at its discretion.

(VIVEK PURI)
JUDGE

27.02.2020.
smriti

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No