

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

**CRM-M-56422 of 2018
Date of Decision: 10.01.2020**

Mangal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S.Jagpal, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 139 dated 27.08.2018 under Sections 304, 34 of IPC, 1860, registered at P.S. Division No. 2, Ludhiana.

Learned counsel for the petitioner has submitted that in the FIR it has been stated by the complainant that the deceased was the brother of the complainant and on the date of occurrence, he was allegedly taken by the petitioner to the place where he was administered some synthetic drug. Learned counsel further submitted that it is totally a fabricated story as the deceased was already a drug addict. He further submitted that the case is at prosecution stage and out of total 21 witnesses, only 3 witnesses have been examined which include Investigating Officer and the complainant himself.

Learned counsel further submitted that no material witness has been left in this case and the petitioner is in custody since 29.08.2018.

Learned State counsel submitted that it is a serious case and therefore, the petitioner is not entitled for the concession of bail.

This Court has heard learned counsel for the parties. On perusal of the FIR, it seems that the complainant had himself stated that his brother (deceased) was a drug addict and was taken away by the petitioner. As per FIR, the death had occurred due to administering of some synthetic drug. It is an admitted position that out of total 21 witnesses, only 3 witnesses have been examined which include Investigating Officer and the complainant himself.

Therefore, considering the totality of the circumstances and custody period of the petitioner which is from 29.08.2018, this Court deems it appropriate to admit the petitioner on bail subject to his furnishing adequate bail bond/surety bond to the satisfaction of the trial Court/ Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

10.01.2020
Maninder

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