

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.225

CRM-M-11866-2021

Date of decision: 09.12.2021

Gurmeet Singh @ Soni

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Naveen Bawa, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.257 dated 05.12.2020, registered under Sections 302/201 IPC (Section 34 IPC added later on) at Police Station Raja Sansi, District Amritsar.

Briefly stated the case of the prosecution is that dead body of Angrez Singh was found in the fields of Karaj Singh; after registration of a case under Section 302 IPC, the matter was investigated; on suspicion, Sukhdev Singh @ Gujjar and Jaspal Singh @ Sony were arrested, who disclosed that they purchased smack and 02 syringes from the petitioner and then administered the same to Angrez Singh; due to over dose of smack Angrez Singh died and that after putting acid on the dead body they buried him and then fled the scene. The petitioner was then nominated as an accused and was arrested on 09.12.2020. On being interrogated, he disclosed that he had sold some smack and 02 syringes to Sukhdev Singh and Jaspal Singh.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no other criminal case pending against the petitioner; the petitioner is in custody since 19.12.2020; the prosecution has not charged the petitioner for the offence of murder; the only allegation against the petitioner is under the NDPS Act which stands negated by the order of the Trial Court dated 27.10.2021

wherein it has been opined that no case under the NDPS Act is made out; investigation in the case is complete and therefore, neither is the petitioner needed for the same nor can he influence it and that the petitioner's trial, which is yet to begin, will take long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has supplied smack to co-accused Sukhdev Singh and Jaspal Singh which was used by them to murder Angrez Singh.

The petitioner is in custody since 19.12.2020; there is no other criminal case pending against him; as per learned State counsel, the prosecution has not charged the petitioner for the offence of murder; the only allegation against the petitioner is under the NDPS Act which stands negated by the order of the Trial Court dated 27.10.2021 wherein it has been opined that no case under the NDPS Act is made out against the petitioner; investigation in the case is complete and therefore, neither is the petitioner needed for the same nor can he influence it and that the petitioner's trial, which is yet to begin, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Amritsar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

December 09, 2021

Jyoti 1

Whether speaking/reasoned
Whether reportable

(DEEPAK SIBAL)
JUDGE

Yes/No
Yes/No