

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

**CRM-M-26746-2021
DECIDED ON: 20th JULY, 2021**

MAJOR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Ms. G.K. Mann, Sr. Advocate with
Mr. Sunil Kumar, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr Rajan Sharma, Advocate for the complainant.

AVNEESH JHINGAN, J (ORAL)

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a petition seeking regular bail in FIR No. 329, dated 14th November, 2020, under Section 304 read with 34 IPC registered at Police Station Maqboolpura, District Amritsar.

[3] The FIR was at the instance of Suraj. It was alleged that Gurvinder Singh took the brother of the complainant namely Chandan to the house of Jyoti where Major Singh (petitioner) was also residing. It was further stated that accused were drug addicts and used to take injections of intoxicant. Brother of the complainant was given an overdose of intoxicant, he was taken to the hospital where he died due to overdose.

[4] Learned counsel for the petitioner submits that it was the case

Jyoti where the petitioner was also residing. They all consumed drugs and unfortunately Chandan lost his life due to overdose. He seeks parity with Gurvinder Singh for grant of bail.

[5] Learned State counsel opposes the grant of bail. She, on instructions from ASI Chiman Singh, submits that petitioner is involved in 3 more NDPS cases.

[6] Learned counsel for the complainant vehemently opposes the grant of bail.

[7] *Prima-facie*, there is no allegation that Chandan (deceased) was forcibly given the intoxicating substance. The case set up is that he accompanied Gurvinder Singh and it was due to overdose he lost his life. Petitioner being involved in other NDPS cases would not be a reason in itself to keep him behind the bars in the present case.

[8] Investigation in the present case is complete. No recovery is to be made. Challan stands presented and charges have been framed. The conclusion of the trial is likely to take time. The co-accused has been granted bail by this Court. The petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[9] The petition is allowed.

[10] It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

20th JULY, 2021

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>