

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

**CRM-M-29975-2021
DECIDED ON: 5th AUGUST, 2021**

JYOTI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Kanwar Pahul Singh, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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 (petitioner) where Major Singh 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 where the deceased voluntarily went with Gurvinder Singh to the house of the petitioner. They all consumed drugs and unfortunately Chandan lost his

life due to overdose. He seeks parity with Majot Singh and Gurwinder Singh for grant of bail.

[5] Learned State counsel vehemently opposes the grant of bail. She fairly submits that no other case is pending against the petitioner under the NDPS Act.

[6] *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.

[7] 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. No other case is pending against the petitioner under the NDPS Act. The petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[8] The petition is allowed.

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

5th AUGUST, 2021
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(AVNEESH JHINGAN)
JUDGE

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