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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-32613-2021 in/and
CRM-M-31617-2021
Date of Decision: 06.10.2021

Manpreet Kaur

..Applicant/ Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sahil Khunger, Advocate for applicant-petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-32613-2021

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-31617-2021

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.43 dated 05.04.2021 registered under Section 304 IPC (Sections 21 and 29 NDPS Act were added later on), at Police Station Sidhwan Bet, Ludhiana. The petitioner is

in custody since her arrest on 14.05.2021.

The FIR was registered on the statement of complainant Rajinder Singh and the allegations as noticed by the Addl. Sessions Judge, Ludhiana in the order dated 22.06.2021 are as under

“The present FIR has been registered against the applicant and her husband on the basis of statement of father of the deceased, who has alleged that his son started taking drugs and when he came to know that he was purchasing drugs from the husband of the applicant, the father of deceased went to the house of the applicant and her husband and warned them not to give any drugs to son of the complainant, namely Balvir Singh. He alleged that on the day of occurrence, his son went from home on his motorcycle alongwith his friend Gurbinder Singh @ Ghindi . Complainant followed them and found that his son was taking injection outside the house of accused and on seeing the complainant, his son and said friend slipped away from there and complainant came back to his house. Later on, complainant came to know that his son Balvir Singh and friend of his son Gurbinder Singh @ Ghindi were lying near drain of village Malseeha Bajan. Ambulance was called and they were taken to Civil Hospital where son of complainant was declared as dead. Complainant has alleged that his son has died because he was given some spurious drug by the applicant and her husband. On the basis of statement of the complainant, FIR under Section 304 IPC has been registered against the applicant and her husband.

Learned counsel has argued that as per complainant himself, the victim, namely, Balvir Singh (son of the complainant) was a drug addict and died of overdose and his dead body was found near a drain. According to him, the petitioner and her husband (Jarnail Singh @ Jelly) have been falsely implicated by the complainant only on the ground that the victim had purchased the drugs from them. He submits that the investigation of the case is complete and as the petitioner is not involved in any other case, she deserves the concession of regular bail.

The prayer is opposed by learned State counsel assisted by SI Hardeep Singh on the ground that on the basis of the disclosure statement suffered by the accused, two grams of heroin was recovered from their

house. However, it is not disputed that the investigation of the case is complete and the petitioner is not involved in any other case.

After hearing the learned counsel for the parties, this Court finds that though the challan was presented on 14.07.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after her arrest on 14.05.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Ludhiana.

The petition is allowed.

06.10.2021
Jasmine Kaur

**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No