

CRM-M-28676-2020

Date of Decision: 20.12.2021

Satnam Singh @ Mushi

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Munish Kumart Bhatnagar, Advocate, for the petitioner.
Mr. Munish Sharma, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

On 24.09.2020, the following order had been passed by this court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., seeking 'regular bail' for the petitioner, in case FIR no. 87, dated 11.06.2019, registered at Police Station Division-A, Police Commissionerate Amritsar, for the alleged commission of offences punishable under Sections 304, 109 and 201 of the IPC and Section 27 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that though a petition previously filed by the petitioner, i.e. CRM-M-41775-2019, was not pressed by him and had been withdrawn, as recorded in the order dated 10.12.2019 passed in that petition, however, about 09 months having gone by since then, with not a single prosecution witness examined and there being no other criminal case registered against the petitioner, he deserves to be admitted to bail.

Learned counsel for the State submits that the petitioner having been accused of a serious crime, he does not deserve the concession of bail; however, the period of custody and the fact that no prosecution witness has been examined so far, are not denied by him.

Keeping in view the above and the fact that the trial is not likely to progress in the near future due to the ongoing pandemic, the petitioner is ordered to be admitted to interim bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/CJM/Duty Magistrate concerned, till the next date of hearing before this court.

Adjourned to 01.02.2021.”

The allegation against the petitioner being that he had administered a prohibited drug (contraband), to the deceased on account of which the deceased died, thereby “attracting” the offences punishable under the provisions of Section 304 of the IPC and Section 27 of the NDPS Act, 1985, but with the quantity not being commercial quantity and with the trial still not being anyway near conclusion as yet, without making any comment on the actual merits of the case (with there also stated to be no other criminal case registered against the petitioner as per the instructions of learned State counsel), this petition is allowed and the interim order dated 24.09.2020 made absolute, on the same terms and conditions.

December 20, 2021

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No.