

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-29567 of 2020 (O&M)

Date of decision : 15.1.2021

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Matti

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ramesh Sharma, Advocate
for the petitioner.

Ms. Monika Jalota, Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

CRM-921-2021

this is an application for placing on record statements of
witnesses who had appeared before the Court below as Annexure P-5.

The application is allowed.

Document Annexure P-5 is taken on record subject to all just
exceptions.

Main case.

This petition for grant of regular bail, has been filed by petitioner – Matti, aged about 25 years, son of Karamjit Singh, r/o of Basti Samasdeen, Zira, District Ferozepur, an accused in FIR No.44 dated 12.8.2018, for the offences under Sections 304/34 IPC registered with Police Station Smalsar, District Moga.

Briefly stated, the prosecution story is that, the criminal machinery in this case was set into motion by complainant Jeet Ram. In the information given by him to the police on 12.8.2018; he stated that his younger son Raj Kumar was a drug addict and he had been got admitted in the drug de-addiction Centre at Faridkot, but Raj Kumar did not give up the bad vice of drug consumption. The complainant further narrated that Gora Singh s/o Lakha Singh residing in his neighbourhood was also in a habit of taking smack and on the previous night at about 9.00 P.M., Gora Singh asked Raj Kumar to reach rooftop of his house. The complainant also went there and observed Gora Singh handing over a syringe to his son Raj Kumar telling that it would be sufficient for him. According to the complainant, on spotting him, Raj Kumar and Gora Singh ran away from the spot. Raj Kumar entered into bathroom but door of the bathroom was not opened for a long time and when the door was pushed open, Raj Kumar @ Ricky was found lying on the floor of the bathroom with the syringe still in his right arm. He was taken to the hospital, but he died on the way. According to the complainant, he had enquired from Mandeep Singh @ Gora, who told that smack was filled in the syringe, which had caused death of Raj Kumar. Formal

FIR in the matter was registered. Investigation in the case started.

During the course of investigation, it was found that heroin/smack had been procured by Mandeep Singh @ Gora from Bhupinder Singh @ Happy. Both of them were arrested in this case. They were sent up to face trial. However, the trial ended in their acquittal.

Petitioner – Matti, also known as Kaka Singh, was on run and he was declared as proclaimed offender on 4.7.2019. He was arrested in this case and he is stated to be in custody since 8.6.2020. The trial against him is stated to be going on. He had moved an application for regular bail before the Court of Sessions at Moga. His application was assigned to Additional Sessions Judge, Moga, who dismissed the same vide order dated 28.8.2020, as such the said petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that petitioner has nothing to do with the incident. Furthermore, main accused Mandeep Singh @ Gora and Bhupinder Singh @ Happy, who had been arrested in this case and had been sent up to face trial, have been acquitted by the learned Sessions Judge, Moga, vide judgment dated 14.12.2018, copy of which has been placed on record as Annexure P-2. Under the circumstances, no case against the present petitioner is sustainable and he deserves to be granted the

concession of regular bail.

Learned State counsel is opposing the request for bail.

After hearing learned counsel for the petitioner, learned State counsel and going through the record, I find the petition deserves to be accepted.

Accordingly, without going into the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing personal bonds and surety bonds to the trial Court/CJM/Duty Magistrate, Moga, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

Since, the petitioner has been declared as a proclaimed offender on 4.7.2019 and was arrested almost a year thereafter, the Magistrate accepting the bonds is to ensure that surety furnished by the petitioner is sound one, having documentary proof of sufficient immovable property within the jurisdiction of the Court accepting bonds. An endorsement be also made on the sale deed so produced by the surety with regard of his having been furnished surety and copy

of sale deed be retained in the Court.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

15.1.2021.
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(H.S. Madaan)
Judge

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