

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.34900 of 2021
Date of Decision: December 10, 2021

Jarnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Pankaj Bali, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

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, who is in custody since his arrest on 14.05.2021.

The above 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 29.07.2021, while dismissing the bail application of the petitioner, are as under:-

“The present FIR has been registered against the applicant and his wife 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 applicant, the father of deceased went to the house of the applicant and warned him 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 his wife. On the basis of statement of the complainant, FIR under Section 304 IPC has been registered against the applicant and his wife.”

Learned counsel for the petitioner 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 his wife (Manpreet Kaur) have been falsely implicated by the complainant only on the ground that the victim had purchased the drugs from them. He submits that the co-accused, namely, Manpreet Kaur has already been extended the concession of regular bail by this court vide order dated 06.10.2021 passed in CRM-M-31617-2021, therefore, the petitioner also deserves the same concession.

The prayer is opposed by learned State counsel assisted by ASI Tirath 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. He has produced the custody certificate of the petitioner by way of affidavit of Satnam Singh, PPS, Additional Superintendent, Central Jail,

Ludhiana to contend that he is involved in another case under N.D.P.S.Act.

After hearing the learned counsel for the parties, considering the above background and the fact that similarly situated co-accused has already been released on regular bail, this court is of the opinion that the 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 his arrest on 14.05.2021. Apart from it, the material witnesses are either the complainant or the police officials and there does not seem to be any possibility of their being won over.

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

December 10, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No