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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.31559 of 2020 (O&M)

Decided on: 27.01.2021

Jangu @ Jaggu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.215 dated 04.12.2018, for offence punishable under Sections 304, 201, 511, 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station B-Division, Amritsar, District Amritsar.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Bhupinder Singh SI, he received a secret information that the petitioner has kept a lady Renu Bala, at his residence and they are living like husband and wife and a girl namely Shaina, aged about 20 years, who is a drug addict used to visit their house. On 03.12.2018, the petitioner, Money @ Jhuga, Ravinder Kumar @ Buchi, gave some intoxicant dose to Shaina and due to overdose of the drug, she died on 04.12.2018 and the aforesaid persons along with Renu Bala tried to dispose of the body of Shaina by

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cremating her.

Counsel for the petitioner has further submitted that on the day of incident, the father of the petitioner has died and he was busy in his last rites and it is own case of the prosecution that Shaina was a drug addict and she died due to overdose of the drugs. It is also submitted that 03 PWs including the complainant have already been examined and the petitioner is in custody, as on today, for the last 02 years, 01 month and 20 days and still 16 more PWs are yet to be examined.

Counsel for the petitioner lastly has submitted that the petitioner has no such history of involvement in any other case or any case under the NDPS Act.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

Counsel for the State has also filed the Custody Certificate and as per the Custody Certificate, the petitioner is in custody for the last 02 years and 01 month and he is not involved in any other case.

After hearing the counsel for the parties, without commenting anything on merits of the case and considering the long custody of the petitioner and also in view of the fact that the deceased died due to overdose of the drugs; the petitioner is not involved in any other case; he is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial

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Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

**(ARVIND SINGH SANGWAN)
JUDGE**

27.01.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No