

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-35616-2020
Date of decision: 01.07.2021**

Harpreet Singh @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vishva Bahl, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0215 dated 04.12.2018, registered under Sections 304 and 34 of the IPC at Police Station Division B, District Amritsar.

Learned counsel for the petitioner relies upon order dated 27.01.2021 passed in CRM-M-31559-2020, vide which co-accused Jangu @ Jaggu has already been granted concession of regular bail by this Court.

The operative part of the order reads as under:

“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 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 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.”

For the sake of brevity, the facts are not reproduced here again.

Learned counsel for the petitioner submits that petitioner is also in judicial custody for the last about 02 years and 05 months and conclusion of trial is likely to take a long time.

Learned State counsel has filed the custody certificate and has not disputed the fact that petitioner is in judicial custody for the last about 02 years and 05 months and though he is involved in one another case, however, he is on bail in that case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody; his co-accused has already been granted concession of regular bail by this Court and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

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.

01.07.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No