

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

1. CRM-M-25766-2020

Sukhwinder Singh @ Sabi

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-37494-2020

Pooja Sharma

...Petitioner

Versus

State of Punjab

...Respondent

3. CRM-M-40945-2020

Karan Baggi

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 19.01.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner in CRM-M-25766-2020.

Mr. Vishal Khatri, Advocate
for the petitioner in CRM-M-37494-2020.

Mr. V. K. Sandhir, Advocate
for the petitioner in CRM-M-40945-2020.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted three petitions as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to petitioners Sukhwinder Singh @ Sabi, Pooja Sharma and Karan Baggi in case FIR No. 83 dated 05.06.2020, registered under Sections 304, 201, 511, 120-B of the IPC and Sections 27, 29 of the NDPS Act, 1985 at Police Station Verka, District Amritsar.

Learned counsels for the petitioner(s) submit that the petitioners are in judicial custody for the last about seven months and challan stands presented.

Learned counsels further submit that as per allegations in the FIR, registered at the instance of complainant Surinder Singh, it is stated that his son Gurpreet Singh was in bad company for the last about two years and started consuming drugs. The complainant got him admitted in a de-addiction centre, where he met co-accused Karan Baggi and Gurwinder Singh as they were also in de-addiction centre and both of them were habitual of consuming drugs. Later on, they, along with their accomplice Pooja Sharma and Dolly, formed a gang for consuming drugs and selling heroin. While consuming heroin by taking injections, the son of the petitioner died due to overdose of the same.

Learned counsels further submit that it is a case where no narcotic drugs were recovered from any of the petitioners/accused and as per the statement and supplementary statement of complainant, his son Gurpreet Singh was a drug addict and remained in drugs de-addiction centre,

where he met other accused and they started consuming drugs together.

Learned counsels further submit that the death of Gurpreet Singh occurred due to overdose of heroin, hence, it is a matter of trial whether any of the petitioners has forced him to consume the same or he himself has consumed.

Learned State counsel has filed the affidavit of the SI/SHO, Police Station Verka, along with statements of complainant, Hardeep Singh and Dharminder Singh including disclosure statements of the petitioners.

Learned State counsel submitted that it has come in the affidavit that deceased Gurpreet Singh came in contact with petitioners who used to come to a juice bar and consume the drugs. It is further submitted that in the supplementary statement, name of the accused persons is mentioned.

Learned State counsel further submitted that in the statement of Hardeep Singh, owner of the said juice bar, the name of the accused persons have surfaced that they used to come there along with deceased Gurpreet Singh and on the fateful day, he noticed that one person was lying unconscious in a vehicle.

Learned State counsel further submitted that even as per own disclosures of the accused, they have admitted that deceased Gurpreet Singh was given an injection of heroin.

Learned State counsel has also referred to the report of Chemical Examiner, wherein it was found that Organophosphorn compound and Morphine were detected in the exhibits to suggest that the death of Gurpreet Singh was on account of the drugs consumed by him.

I have heard learned counsel for the parties.

After hearing learned counsel for the parties and considering the allegations, I find that it is a matter of trial whether deceased Gurpreet Singh, who himself was a drug addict, consumed the drugs on the fateful day on his own or he was forced to consume the same at the instance of petitioners, who are also drug addicts.

Therefore, without commenting anything on the merits of the case, considering the facts and circumstances of the case as well as the fact that investigation is complete and no drug was recovered from the petitioners after their arrest; the instant petitions are allowed. Petitioners Sukhwinder Singh @ Sabi, Pooja Sharma and Karan Baggi are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate concerned.

A photocopy of this order be placed on the file of other connected cases.

19.01.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No