

**255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51786-2021

Date of decision-21.12.2021

Rani @ Kati

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kamaldip Singh Sidhu, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.254 dated 31.08.2021 registered under Section 304 Indian Penal Code, 1860 at Police Station Tripuri, District Patiala. The petitioner is in custody since her arrest on 31.08.2021.

The present FIR was registered on the statement of Baldev Singh son of Bachan Singh, wherein it was alleged that his son- Mandeep Singh had started consuming drugs, therefore, he had sent his son to Bhai Daya Singh Simran Abhiyas School, where he served as a driver. On 29.08.2021, Gurinder Singh @ Kaka took complainant's son on his motorcycle bearing No.PB-11-AN-7130 from Faggan Manjra Village. At about 3.26 p.m., Gurinder Singh @ Kaka informed telephonically to complainant that his son is lying unconscious and they should take him to house. When complainant's wife and other relatives

reached at the spot, Mandeep Singh was lying dead. It was also mentioned in the FIR that complainant's son died of higher dose of drugs by injection. On these broad allegations, FIR was registered.

Learned counsel for the petitioner has argued that the victim had gone on motorcycle with co-accused, namely, Gurinder Singh @ Kaka, who was later on found dead because of over dose of drugs. He submits that the victim was a drug addict, who had voluntarily consumed drugs and co-accused of the petitioner has already been released on bail. In this regard, he has invited the attention of the Court to Annexure P-2. He submits that as per prosecution case itself, the death of the victim does not amount to murder, therefore, further custody of the petitioner may not be necessary as the investigation of the case is complete. He prays for bail.

On the other hand, learned State counsel assisted by ASI Gurpreet Singh, while opposing the prayer has argued that the petitioner is involved in number of criminal cases under NDPS Act. He further submits that as per disclosure statement of co-accused, victim used to take drugs from the petitioner, however, it is not disputed that the co-accused of the petitioner has already been released on bail.

After hearing the learned counsel for the parties, considering the above background as well as the custody of the petitioner, this Court finds that the conclusion of trial is likely to consume considerable time, as the charges are yet to be framed,

therefore, further custody of the petitioner may not be justified for any useful purpose, who is presently confined in judicial custody after her arrest on 31.08.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

21.12.2021

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No