CRM-M-5575-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5575-2022
Date of decision: 04.08.2022

Akshay Chopra

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Gurmeet Kaur, Advocate for
Mr. Rajesh Duhan, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.172 dated 18.07.2021, registered at Police Station Guhla, Kaithal, District Kaithal, under Section 302 IPC (Section 304 IPC and Section 29 NDPS Act, 1985 added later on).

Status report dated 22.04.2022 by way of affidavit of the Deputy Superintendent of Police, Guhla, filed in the Court today, is taken on record.

As per the prosecution version, the petitioner and Hardeep Singh had purchased smack from co-accused Harpal Singh alias Pala; that the petitioner had forced Hardeep Singh to consume the smack in excess and that Hardeep Singh had died of drug overdose.

PARVEEN KUMAR
2022.08.05 06:10
I attest to the accuracy and
authenticity of this order/judgment.

Learned counsel for the petitioner contends that even as per the contents of FIR, Hardeep Singh (since deceased) was habitual in consuming intoxicants; that the petitioner had never forced the deceased to consume the intoxicants in excess, and that aforesaid co-accused, namely Harpal Singh alias Pala has since been granted the benefit of regular bail by learned Addl. Sessions Judge, Kaithal, vide order dated 31.01.2022; that there is no other case registered or pending against the petitioner, and that the petitioner has been in custody since 01.08.2021. On this premise, learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that Hardeep Singh had died of drug overdose; that it was the petitioner, who had forced the deceased to consume the smack in excess, and that even mobile phone of the deceased had been recovered from the petitioner.

I have heard the learned counsel for the parties.

As per the contents of FIR, the petitioner and Hardeep Singh (since deceased) were habitual in consuming intoxicants and Hardeep Singh had died of drug overdose.

Challan has already been presented. However, the charges are yet to be framed and thereafter, the prosecution is to examine as many as 20 witnesses. The petitioner has been in custody since 01.08.2021. Trial is unlikely to conclude any time soon. There is no other case registered or pending against the petitioner. As noticed above, co-accused, namely, Harpal Singh alias Pala has since been granted the concession of regular bail. Therefore, no useful purpose would be served by keeping the

PARVEEN KUMAR
2022.08.05 06:10
I attest to the accuracy and
authenticity of this order/judgment.

petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

04.08.2022 **(HARNARESH SINGH GILL)**
parveen kumar **JUDGE**

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No

PARVEEN KUMAR
2022.08.05 06:10
I attest to the accuracy and
authenticity of this order/judgment.