

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

CRM-M-12815-2022 (O&M)
Date of Decision:- 31.3.2022

Manoj Kumar @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Gursahib Singh.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 258 dated 1.12.2021 at Police Station Canal Colony, District Bathinda, under Section 304 IPC and Section 29 of the NDPS Act.
2. As per the allegations levelled by the complainant, her son had fallen in bad company and that Manoj Kumar (petitioner) got complainant's son addicted to drugs. It is alleged that on 29.11.2021, her son went along with Manoj Kumar, but did not return back. On 1.12.2021, dead body of complainant's son was recovered. The complainant further alleged in the FIR that a few days back her son had informed that Manoj Kumar used to procure the drugs from Sandeep Singh as well as from one Raj Rani.

3. Learned counsel for the petitioner has submitted that the petitioner has been named in the FIR on the basis of information alleged to have been passed on to the complainant by her son a few days prior to his death and that such like statement would not carry any value unless corroborated by another piece of evidence and that there is no such evidence to establish the said allegations. It has further been submitted that it is not the case of prosecution that the petitioner was found in possession of any contraband so as to affirm the allegations that he had been procuring drugs and had been passing on the same to the deceased. Learned counsel has further submitted that it is a case where the deceased apparently was an addict and had died on account of over dose of drugs and that in these circumstances, no liability can be fastened upon the petitioner
4. The learned State counsel, while opposing the petition, has submitted that since the petitioner stands specifically named in the FIR and had been supplying drugs to the deceased, which resulted into his death, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 months and 24 days and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, it would certainly be debatable as to whether the petitioner, who was never found in possession of any contraband nor was found in the company of the deceased immediately before his death, can be fastened with any kind of liability as regards the death of complainant's son, who had apparently died on account of over dose of drugs. The challan already stands presented. Conclusion of

trial is likely to take time inasmuch as the trial has not even commenced till date as no PW has been examined. In these circumstances, further detention of the petitioner will not serve any useful purpose.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned

31.3.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No