

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

CRM-M-22965-2022
Date of Decision:-**11.10.2022**

DARSHAN KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. P.S. Jammu, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.24 dated 11.1.2022 registered under Sections 304, 328 read with Section 34 IPC and Sections 21, 27, 29 NDPS Act at Police Station Sadar Dabwali District Sirsa.

Status report by way of affidavit of Mr. Dharamvir, Deputy Superintendent of Police, Sirsa along with documents Annexure R-1 to Annexure R-3 filed on behalf of the State are ordered to be taken on record.

The counsel for the petitioner submits that the petitioner who is brother-in-law of co-accused Sushil Kumar has been falsely implicated in

the present case. The counsel for the petitioner further submits that as per the allegations recorded in the FIR, Santosh daughter of complainant Dana Ram started living with co-accused Sushil Kumar, who encouraged Santosh to consume intoxicant (Chitta) and as such she became drug addict and when Santosh tried to refrain from consuming the intoxicants, said Sushil Kumar and the present petitioner compelled her to consume intoxicant (Chitta) and said Sushil Kumar and the petitioner gave over-dose of intoxicant (Chitta) to Santosh, which resulted in her death. The counsel for the petitioner submits that the petitioner was residing separately from Sushil Kumar and Santosh and as such there was no occasion for the petitioner to provide any intoxicant to Santosh. That no complaint was ever lodged by the complainant during the life time of Santosh alleging that Sushil Kumar and the petitioner used to administer intoxicant (Chitta) to his daughter Santosh, forcibly. The counsel for the petitioner further submits that actually Santosh who was drug addict died due to self-overdose of the intoxicant and this fact is also establish from the report of FSL dated 30.09.2022, which is placed on the record. The counsel for the petitioner further submits that the petitioner is in custody for the last about 9 months and is having no criminal history and after completion of investigation, the police has presented the challan and it will take considerable time for the trial to conclude as now the next date fixed in the trial Court for examination of the complainant is 2.12.2022. The counsel for the petitioner further submits that no purpose is going to be served for keeping the accused behind the bars for any longer period.

The instant petition is opposed by the State counsel, who submitted that there are specific allegations against the petitioner and co-

accused Sushil Kumar that they used to forcibly administer intoxicant (Chitta) to Santosh and due to over-dose of the same, she died and this fact is also established from the perusal of the report of FSL. The State counsel further submits that the petitioner was also residing in the same village where the deceased was residing with co-accused Sushil Kumar. The State counsel further submits that after the completion of investigation, now the trial has commenced but the complainant and other material witnesses are yet to be examined. So prayer is made that the present petition be dismissed.

I have considered the submissions made by counsel for the parties.

As per the allegations appearing in the FIR Santosh started residing with Sushil Kumar and she died due to over-dose of drugs. As has been stated by the counsel for the petitioner, the petitioner who is brother-in-law of co-accused Sushil Kumar, was living separately from Sushil Kumar and Santosh. As per the report of FSL dated 30.9.2022 Diacetyl Morphine, Amphetamine were detected in the viscera of the deceased. The allegations against the petitioner are that he along with Sushil Kumar and other accused persons administered over-dose of drugs to Santosh which resulted in her death. The complicity of the petitioner who was residing separately from Sushil Kumar and Santosh is going to be unfolded only during trial. Admittedly the charges have been framed under Section 304 IPC but it will take time for the trial to terminate. The petitioner is already in custody for the last about 9 months and is not facing any other criminal case. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus without commenting on

the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

11.10.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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