

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

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CRM-M-24029-2022 (O&M)

Date of Decision: 24.08.2022

AMRITPAL SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. GS Sandhu, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.146 dated 30.03.2022, registered at Police Station City Mandi Dabwali, District Sirsa, under Sections 304 and 328 IPC.

Learned counsel for the petitioner submits that the son of complainant, namely, Daljit Singh, was a drug-addict and the said fact had specifically been mentioned in the FIR by the complainant himself; that neither the complainant nor his son had ever visited the house of the petitioner; that the complainant and one Falel Singh have suffered a joint statement before the learned Additional Sessions Judge, Sirsa, stating therein that they did not want to pursue the present case and that the similarly situated co-accused, namely, Raja Singh, Beant Kaur and Bhupinder Singh @ Bhinda, have already been granted the concession of anticipatory bail. He further submits that the petitioner has been in custody since 30.03.2022.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he had given intoxicant to the son of the complainant, who died due to overdose. He further submits that five syringes were recovered from the petitioner and that the petitioner is a habitual offender, inasmuch as, there are two more FIRs registered and/or pending against him. Still further, it is submitted that charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 30.03.2022. As per the contents of the FIR, the son of the complainant (deceased) was a drug-addict and had died due to overdose of the intoxicant. Similarly situated co-accused have already been enlarged on bail. Charges are yet to be framed and that prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, 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/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

24.08.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*