

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24514-2022 (O & M)

Date of decision: 07.09.2022

Raj Kumar

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The petitioner seeks the grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.57 dated 13.05.2022 under Sections 304, 34 IPC read with Section 29 of the NDPS Act registered at Police Station City Dhuri, District Sangrur.

On 31.05.2022, the following order was passed in this case:-

“Prayer is for grant of anticipatory bail in case FIR No.57 dated

13.05.2022 under Sections 304,34 IPC read with Section 29 of NDPS Act, 1985 registered at P.S City Dhuri, District Sangrur.

FIR was lodged on the complaint of Gagandeep Singh, who stated that his younger brother Nirmal Singh was working at Aggarwal Bhullar Medical Store, Dhuri. On 12.05.2022 at about 8.40 p.m, the complainant along with his uncle Avtar Singh went to Bhullar Medical Store, Dhuri to pick up his brother Nirmal Singh. Arvinder Singh @ Shanky who was present there, asked the complainant and his uncle to await for 10 minutes as he had to go somewhere with Nirmal Singh for some work. When Arvinder Singh @ Shanky and Nirmal Singh, brother of the complainant did not return, he made a phone call to Nirmal Singh. Arvinder Singh @ Shanky picked up phone and asked them to immediately reach the spot as Nirmal Singh was unwell. Thereafter, the complainant along with his uncle reached Guru Kirpa Clinic, Dhuri. His brother was

found lying unconscious. They rushed him to Walia Hospital, Dhuri where he was declared brought dead. Complainant alleged that Arvinder Singh @ Shanky was addicted to drugs and in his company, Nirmal Singh also became addicted to drugs. It is alleged that Shanky had administered some poisonous substance to him because of which Nirmal Singh died.

On 13.05.2022, in his supplementary statement, Gagandeep Singh disclosed that his brother Nirmal Singh and Arvinder Singh @ Shanky were consuming drugs. They used to procure the same from Raj Kumar (petitioner), Karamjit , Boli Ram and Sheelo and Shanty. On 12.05.2022, the drugs were procured from Shanty son of Sem and Sheelo wife of Sem and consumption of these drugs led to the death of his brother.

Learned counsel for the petitioner submits that even as per the supplementary statement of the complainant, the drugs after consumption of which Nirmal Singh died, were procured from Shanty and Sheelo. There is only a general allegation that Arvinder Singh @ Shanty and Nirmal Singh deceased used to procure the same from the petitioner, Karamjit Singh and Boli Ram.

Notice of motion for 07.09.2022.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required”.

The learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation and the same stands completed.

The learned State counsel on instructions from Inspector Mohinderjit Singh submits that the petitioner has joined the investigation in terms of the order dated 31.05.2022 and is not required for custodial interrogation.

It may also be mentioned here that the petitioner and his co-accused Boli Ram and Sheelo are said to have, at an earlier stage, provided contraband to the deceased. So far as the present occurrence is concerned, the drugs were allegedly procured from one Shanty, who has been arrested. Besides, the present petitioner is involved in one more case i.e. FIR No.117 dated 09.07.2022 under sections 15/25/29/61/85 NDPS Act registered at Police station Dakha, District Ludhiana, which is pending. However, the same does not have any bearing on the facts of the present case as no recovery whatsoever has been made from the petitioner and the petitioner has been named only on the basis of suspicion.

In this view of the matter, interim order dated 31.05.2022 is made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial.

The petition stands disposed of.

September 07, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No