

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26426-2022

Date of Decision: 13.9.2022

Rupinder Kaur

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sahil Khunger, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.42 dated 5.5.2022 registered for the offences punishable under Sections 328, 304 IPC at Police Station Doraha, Ludhiana.

Counsel for the petitioner submits that the petitioner who is aged about 32 years, has been falsely implicated in this case. He further submits that as per allegations appearing on record, deceased-Gagandeep Singh died due to overdose of drugs which were administered to him by co-accused Jaswinder Singh. He further contends that only allegations made against the present petitioner are that the aforesaid drugs/injections were purchased by Jaswinder Singh from the petitioner. He further submits that the petitioner is languishing behind the bars for the last more than 4 months and after completion of investigation, the police has presented the challan and it will take time for trial to conclude and as such, no purpose is going to

be served by keeping the petitioner behind the bars for any longer period.

Present petition has been contested by the State counsel who on instructions from ASI Lakhwinder Singh has furnished copy of FSL report, as per which, no poison was detected in the Viscera of deceased-Gagandeep Singh. He further submits that the petitioner provided concerned drug/injection to co-accused Jaswinder Singh who administered the same to deceased-Gagandeep Singh, as a result of which, the deceased died. He further submits that the trial in this case is yet to commence and as such, no ground is made out to grant bail to the petitioner at this initial stage.

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

From the perusal of the contents of FIR, it appears that Gagandeep Singh was drug addict. This is not the case of the prosecution that overdose of drug was administered by the petitioner to Gagandeep Singh which resulted in his death. The only allegations against the petitioner are that co-accused Jaswinder Singh purchased the drug/injection from the petitioner and administered the same to the deceased, as a result of which, the deceased died. As per copy of FSL, no poison was detected in the Viscera of the deceased. Even if it is presumed that Gagandeep Singh died due to overdose of drug, one thing is clear that the said overdose was not administered by the petitioner. Admittedly, as per custody certificate, the petitioner is in custody for the last more than 4 months and is having no criminal history. After completion of investigation, the police has presented the challan but it will take time for the trial to conclude after framing of charges. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

September 13, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No