

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

CRM-M-28049 of 2022 (O&M)

DECIDED ON: 27th October, 2022

Balkaran Singh alias Balla

....PETITIONER

VERSUS

State of Punjab

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. P.S. Sekhon, Advocate for petitioner.

Mr. Arun Luthra, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This is second petition seeking regular bail in FIR No.75 dated 12.5.2018, under Sections 302, 328, 34 IPC (later on challan presented under Sections 304-A, 328, 34 IPC, 21 and 27 of Narcotic Drugs and Psychotropic Substances Act (for short NDPS Act) and Section 302, 201 was deleted before the presentation of challan), registered at Police Station Sudhar District Ludhiana.

The earlier petition was withdrawn on 28.4.2022.

Learned counsel for the petitioner submits that the petitioner is in custody since 4.2.2022. Section 302 IPC was deleted and challan was presented under Section 304-A IPC. The contention is that the petitioner was named in a disclosure statement of co-accused Davinder Singh. The role attributed is that the deceased and Davinder Singh purchased half gram intoxicating powder from the petitioner. Death of the deceased was due to drug over doze. He further submits that the petitioner was wrongly declared as proclaimed offender. He was not aware that the petitioner was nominated in FIR No. 75. It is argued that no recovery was made from the petitioner and investigation is complete.

Learned State counsel on instructions from ASI John Masih opposes the prayer and submits that the petitioner was declared as proclaimed offender and there is apprehension of his absconding. Petitioner is involved in one more case under the NDPS Act.

Learned counsel for the petitioner submits that the petitioner was granted bail in other FIR and to meet the apprehension raised by learned State counsel, the petitioner volunteers to give local surety of Rs.1,00,000/- and undertakes to appear before the trial Court regularly as and when required.

Without commenting upon the merits of the case, considering the nature of allegations, the fact that name of petitioner surfaced in a disclosure statement and that it is not disputed at this stage that the cause of death was due to drug over doze, petitioner is granted bail subject to furnishing local surety of Rs.1,00,000/- to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

27th October, 2022
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>