

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-29104-2022

Date of Decision:-20.12.2022

Sapran Singh @ Swaran Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ajeet Pal Singh Pakka, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.195 dated 12.10.2021 under Sections 304 IPC registered at Police Station Talwandi Sabo, District Bathinda.

The brief facts of the case are that the statement of Lachman Singh son of Sukhdev Singh was recorded to the effect that he was an agriculturist. They were two brothers. His brother Sohan Singh had passed away few years ago and he (complainant) looked after the family of his brother. The elder son of his brother Kirpal Singh was about 30 years old and the younger son Kuldeep Singh @ Pardeep Singh was of the age of 28 years. On 18.07.2021 one Gursewak Singh informed him that when he (Gursewak Singh) had gone to collect straw from the house of Sapran Singh son of Kaka Singh at 6.00 am in the morning he saw the dead body of his (complainant's) nephew Kuldeep Singh in the room lying on the cot.

Thereafter he (complainant) went to the spot and saw his nephew Kuldeep Singh @ Pardeep Singh lying dead with foam coming out of his mouth and nose. There were pieces of polythene and a piece of silver foil lying near the body. His sister-in-law (*Bhabhi*) Karamjit Kaur had told him that she had warned Sapran Singh @ Swaran Singh-petitioner not to involve her son (deceased) in drugs but he (petitioner) did not listen. Therefore, he (complainant) was sure that the death of his nephew had been caused by the petitioner, who had provided him an overdose of Heroine (*Chitta*).

The Counsel for the petitioner contends that in fact the petitioner and the deceased were drug addicts. The father of the petitioner had died earlier and now the petitioner was living with his mother and Chacha at Talwandi Sabo. The house where the body was recovered is situated at village Baghiwandar and belongs to the father of the petitioner and the grand mother of the petitioner used to live there alone. After her death that house was abandoned. The same was being used by co-villagers for keeping their straw. Therefore, it was the deceased who had taken an overdose of drugs in the empty house and the petitioner had no role in the entire occurrence and had been implicated on suspicion. Since he was in custody since 14.10.2021 and none of the 11 prosecution witnesses had been examined, his further incarceration was not required moreso when he was a first time offender and, therefore, he ought to be granted the concession of bail.

The Counsel for the State on the other hand has referred to the affidavits dated 28.09.2022 as well as 19.12.2022 to submit that no one is residing in the house from where the dead body of the deceased was recovered. He submits that there was no evidence that the petitioner was a

consumer of drugs though he was certainly a consumer of alcohol. He contends that the seriousness of the allegations do not entitle the petitioner to the grant of bail.

I have heard learned Counsel for both the parties at length.

As per the case of the petitioner, he himself is a consumer of drugs. Be that as it may, the body of the deceased was recovered from a empty house and it would be a matter of adjudication during trial as to whether the petitioner had in fact provided heroin to the deceased which lead to his death. Admittedly, he is in custody since 14.10.2021 and none of the 11 prosecution witnesses have been examined so far. As such the trial of the present case is not likely to be concluded any time soon. Even otherwise, he is a first time offender and therefore, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petitioner-**Sapran Singh @ Swaran Singh** son of Sh. Kaka Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 20, 2022
Vinay

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