

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35000-2022

Date of decision : 15.09.2022

GAMA SINGH ALIAS GURNAM SINGH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harpreet Singh Rakhra, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.174 dated 12.06.2022 registered under Sections 304/328 IPC at Police Station Kalan Wali, District Sirsa.

2. The FIR came to be registered at the instance of Gurjant Singh son of Sadhu Singh who stated that his nephew Rohi Ram was a drug addict and despite being told to stop taking drugs did not do so. Rohi Ram had informed the complainant that Satbir Singh son of Mithu Singh, Gama Singh son of Sukhdev Singh (the present petitioner), Taar Singh son of Joginder Singh and Raja Singh son of Janta Singh provided him the doses of drugs and a syringe on earlier occasions as well. On this, he (complainant) and his family members had gone to the house of the accused but they did not stop providing drugs to the deceased Rohi Ram. On 11.06.2022, when Rohi Ram was untraceable then they had

found him dead in front of the house of Bagga Singh son of Chanta Singh on account of excess dosage of drugs.

3. The petitioner sought the concession of anticipatory bail *inter alia* contending that there was absolutely no evidence against the petitioner and his co-accused except the version in the FIR which amounted to suspicion/hearsay evidence at best. On 08.08.2022, the petitioner was granted the concession of interim anticipatory bail, pursuant to which he has joined the investigation.

4. The learned State counsel submits that the petitioner has joined investigation and as such is not required for custodial interrogation. He however, submits that the petitioner is involved in 07 other cases under the NDPS Act.

5. I have heard the learned counsel for the parties at length.

6. Admittedly, the FIR is based on suspicion expressed by the complainant based on a statement allegedly made to him by the deceased Rohi Ram. Other than this piece of evidence, nothing else has been pointed out to inculcate the petitioner. The petitioner has joined investigation and as such is not required for custodial interrogation. Further, no recovery has been effected from him. Undoubtedly, there are 07 other FIRs pending against the petitioner under the NDPS Act but it may be reiterated here that the learned counsel for the State has not pointed any other evidence against the petitioner and his co-accused.

7. In view of the above, the custodial interrogation of the petitioner is not required and therefore, the interim order dated 08.08.2022 is made absolute.

8. 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.

9. In addition the following conditions are also imposed on the petitioner:-

The petitioner shall appear before the police station concerned on the first Monday of every month and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

The petitioner shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

15.09.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No