

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

CRM-M-38510-2022
Date of Decision:-**12.10.2022**

SOMVATI DEVI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.83 dated 27.06.2022 registered under Sections 304/34 IPC at Police Station Sadar Malout District Sri Muktsar.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. That nothing is available on the record to *prima facie* establish that deceased Gagandeep Singh who was drug addict ever came in contact of the petitioner. The counsel for the petitioner further contends that the petitioner was never involved in drug trafficking. The counsel for the petitioner further submits that admittedly

Gagandeep Singh died due to overdose of drugs but it is not the case of prosecution that the petitioner or some other person forcibly administered the said overdose of drugs to the deceased. The counsel for the petitioner further submits that the petitioner cannot be held liable for the death of Gagandeep Singh, who himself took overdose of drugs. The counsel for the petitioner further submits that the petitioner is in custody since last about 3 months and after completion of investigation, the police has presented the challan and during investigation no contraband or incriminating article was recovered from the possession of the petitioner and it will take time for the trial to conclude after its commencement. The counsel for the petitioner further submits that the petitioner is facing one case under NDPS Act in which she has been granted benefit of bail. The counsel for the petitioner made prayer that petitioner is entitled to grant of regular bail as her co-accused who are facing similar allegations have been granted interim bail by this Court in CRM-M-32937-2022 and CRM-M-46530 of 2022 and copies of the said orders are placed on record.

The present petition is opposed by the State counsel, who submits that as per the allegations recorded in the FIR, the petitioner and other co-accused supplied drugs to Gagandeep Singh, who died due to overdose of said drugs. The State counsel has not disputed the fact the petitioner was arrested on 27.6.2022 and after completion of investigation, the challan has been presented and that the petitioner who is facing one criminal case under NDPS Act has already been granted bail in the said case and that the co-accused Bhinda @ Bhupinder Singh and Mahni @ Manjeet Kaur have been granted concession of interim bail by this Court.

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

As per the allegations made in the FIR, Gagandeep Singh was drug addict and he procured drugs from the petitioner and other accused persons and died due to over-dose of the said drugs. It is a matter of evidence as to whether he ever approached the petitioner to get drugs. It is also matter of evidence as to whether petitioner in any manner is responsible for the death of the Gagandeep Singh. It is not the case of prosecution that the petitioner and other accused forcibly administered any drug to the deceased which resulted in his death. In the present case no contraband was incriminating article was recovered from the possession of the petitioner. Admittedly, after completion of investigation the challan has been presented and the trial would commence after the framing of charges and it will take time for the trial to conclude.

In the light of the above, no purpose is going to be served by keeping the petitioner behind the bars for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

12.10.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No