

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

CRM-M-39127-2022 (O&M)

Date of decision: 12.12.2022

Santy and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mandeep Singh, Advocate for the petitioners.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioners have filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 92 dated 29.04.2022, registered under Sections 304 IPC read with Section 34 IPC, at Police Station City Malout, District Sri Muktsar Sahib.

Reply by way of affidavit dated 22.11.2022 of the Deputy Superintendent, Sub-Division Malout, Sri Muktsar Sahib, already filed in the Registry is taken on record.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case; that even as per the complainant her son-Jai Parkash (since deceased) himself was a drug addict and getting treatment for de-addiction from Civil Hospital from the last three

months and died due to overdose; that the matter has been compromised between the wife of co-accused Karan Kumar and the complainant and he has been granted regular bail today itself; that the allegation against the petitioners is that they accompanied Jai Parkash (since deceased); that actually, the petitioners are not drug paddlers; that there is no other case pending or decided against the petitioners, under the NDPS Act; that the petitioners have been in custody since 29.04.2022 and that there is no specific allegation against the petitioners.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioners have facilitated the deceased for purchasing the drug from co-accused Karan Kumar and consume the same with syringe and thus they have actively participated in the crime. However, he does not dispute the custody period of the petitioners and the fact that there is no other pending or decided case against the petitioners. He submits that the challan has been presented and the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 29.04.2022. As per the complainant her son-Jai Parkash (since deceased) himself was a drug addict and getting treatment for de-addiction from Civil Hospital and died due to overdose. No specific role has been attributed to the petitioners. There is no other case pending or decided against the petitioners. Moreover, the matter has been compromised between the complainant and wife of Karan Kumar, who has allegedly supplied the drug to the deceased and has been granted bail today itself. The prosecution witnesses are yet to be examined. Therefore, the

conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

12.12.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No