

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

CRM-M-41599-2022 (O&M)

Date of decision: 12.12.2022

Karan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amandeep Chhabra, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

Mr. Deepak Vashisth, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has 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 petitioner submits that the petitioner has 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 the petitioner and the complainant; that as per the *panchayati* compromise dated 06.08.2022 (Annexure P-2), the petitioner has no concern with the present case, the complainant neither know him, nor named him in the present case, she does not want to proceed against him and has no objection, if bail is granted to him; that the petitioner has been in custody since 16.05.2022 and that on the very next day of his arrest, the petitioner was involved in one another FIR No. 115 dated 17.05.2022 under Section 21-B of the NDPS Act registered at Police Station Malout City, District Sri Muktsar Sahib.

Learned counsel appearing for the complainant does not dispute the factum of compromise effected between the wife of the petitioner and the complainant.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner is the person, who has supplied drug to the deceased, elder son of the complainant and the allegations against the petitioner are serious in nature. There is one more case registered against the petitioner under the NDPS Act. However, he does not dispute the custody period of the petitioner. 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 petitioner has been in custody since 16.05.2022. 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. The allegation against the petitioner is that he has supplied the drugs to the deceased but prior to that no FIR under the NDPS Act has been

registered against him. The date of registration of another FIR under the NDPS Act against the petitioner is after his arrest in the present case. The matter has been compromised between the wife of the petitioner and the complainant, and as per the *panchayati* compromise dated 06.08.2022 (Annexure P-2), the petitioner has no concern with the present case, the complainant neither know him, nor named him in the present case, she does not want to proceed against him and has no objection, if bail is granted to him. 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 petitioner 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 petitioner is ordered to be released on regular bail on his 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