

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

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**CRM-M-46843-2022 (O&M)
Date of decision: 12.12.2022**

Maskin Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.146 dated 30.03.2022 registered under Sections 304 and 328 IPC and Section 20 of the NDPS Act, at Police Station City Mandi Dabwali, District Sirsa.

Status report by way of affidavit dated 06.12.2022 of the Deputy Superintendent of Police, Kalanwali, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the son of complainant, namely, Daljit Singh, was a drug-addict and the said fact had specifically been mentioned in the FIR by the complainant himself; that the petitioner has not been named in the FIR and has been indicted on the basis of the disclosure statement of co-accused, namely, Amritpal Singh, who has since been granted the concession of regular bail by this Court on 24.08.2022; that the petitioner has been in custody since 01.05.2022. He further submits that as far as other case registered and pending against the petitioner is

concerned, he is on bail in the said case. The matter has been compromised and the complainant and one Falel Singh have suffered a joint statement before the learned Additional Sessions Judge, Sirsa, stating therein that they did not want to pursue the present case. There is no other NDPS case against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he along with co-accused had provided intoxicant to the son of the complainant, who died due to overdose. He further submits that the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 01.05.2022. The petitioner was indicted on the basis of the disclosure statement of co-accused, namely, Amritpal Singh, who has since been granted the concession of regular bail by this Court on 24.08.2022. The matter has been compromised and the complainant and one Falel Singh have suffered a joint statement before the learned Additional Sessions Judge, Sirsa, stating therein that they did not want to pursue the present case. There is no other NDPS case against the petitioner. The prosecution witnesses are yet to be examined, therefore, the conclusion of the trial would take a long time. Moreover, there is no other case against the petitioner, 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.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner tries to delay the trial or involves him into another case of a similar nature, the trial Court would put back him into incarceration.

(HARNARESH SINGH GILL)
JUDGE

12.12.2022
Mangal Singh

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