

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47102-2022

Date of Decision: 10.11.2022

Managar Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.S. Moudgill, Advocate, for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 84 dated 10.05.2021, under Sections 304/34 IPC and Section 29 of NDPS Act, registered at Police Station Bhawanigarh, District Sangrur.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody for about 1 year and 4 months and investigation of the case has already been completed and thereafter, the challan has been presented . He further submitted that the deceased had died due to overdose of drug on 24.04.2021 and thereafter, the proceedings under Section 174 Cr.P.C were conducted on 25.04.2021. However, the FIR was registered after a period of 17 days of the incident wherein it was alleged that the co-accused namely Rajinder Singh @ Gaggu, his mother and the present petitioner had administered intoxicant substance to the deceased.

There is no recovery of any intoxicant substance from the petitioner and the other co-accused. He further submitted that the trial of the case may take long time and the entire case is based upon circumstantial evidence and therefore, the petitioner may be considered for the grant of regular bail. He further submitted that the other co-accused namely Rajinder Singh @ Gaggu has been extended the benefit of regular bail by this Court in CRM-M-30444-2021 on 10.12.2021 and the petitioner is at parity with the aforesaid co-accused and so far as the petitioner Swaranjit Kaur @ Rani Kaur is concerned, she has already expired.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has submitted that it is correct that the petitioner is in custody for about 1 year and 4 months and investigation of the case has already been completed and the other co-accused Rajinder Singh @ Gaggu has been extended the benefit of regular bail and the petitioner is at parity with the aforesaid co-accused.

I have heard the learned counsel for the parties.

The petitioner is in custody for about 1 months and 4 months and investigation of the case has already been completed and the other co-accused namely Rajinder Singh @ Gaggu who is stated to be at parity with the petitioner has already been extended the benefit of regular bail. There was a delay of 17 days in lodging of the FIR in the present case. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

In view of the aforesaid facts and circumstances, this Court

deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

10.11.2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No