

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

CRM-M-51770-2021 (O&M)

Date of decision: 19.04.2022

Boor Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

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. 28 dated 10.03.2021, registered under Sections 201 and 304 IPC read with Section 34 IPC, at Police Station Guruharsahai, District Ferozepur.

Reply by way of affidavit dated 12.01.2022 of the Deputy Superintendent of Police, Guru Har Sahai, Ferozepur, 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 the only allegation against the petitioner is that the deceased had consumed the intoxicant in the petitioner's house; that even otherwise, as per the complainant, the deceased himself had been an addict of *Heroin* and was under de-addiction treatment, for the last more than one year prior to his death; that the petitioner has been in custody

since 10.03.2021; that the challan has been presented and that as far as two other cases are concerned, the petitioner is on bail in those cases.

Learned State counsel, while vehemently opposing the prayer for bail submits that there are specific allegations against the petitioner and other co-accused that they had given the intoxicant injection to the deceased. However, he does not dispute the custody period of the petitioner and the factum of the deceased being an addict of *Heroin*. He submits that out of 21 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 10.03.2021. The only allegation against the petitioner is that the deceased consumed the intoxicant in the petitioner's house. The deceased himself was an addict of *Heroin* and was under the de-addiction treatment. 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

19.04.2022
Mangal Singh

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