

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

CRM-M-52439-2021 (O&M)

Date of decision: 09.08.2022

Hardeep Singh @ Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. D.S. Malwai, Advocate for the petitioner.

Mr. Tanvir Joshi, 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. 209 dated 05.10.2021, registered under Section 304 IPC and Section 21/61/85 of the NDPS Act, at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that there is a delay of 06 days in lodging the FIR; that when the body of the deceased was found, there was a needle in his vein and his body had turned blue; that no postmortem was got conducted as the dead-body was cremated without any information to the police; that no inference can be drawn that Kulwinder Singh (since deceased) died due to overdose of the intoxicant; that the petitioner has been indicted on the basis of a telephone call between the petitioner and the deceased on the day of death; that as per the FIR, the deceased had been a drug addict for the

last 23 years; that the alleged recovered 05 grams of *Heroin* is a small quantity and that the petitioner has been in custody since 07.10.2021.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner is habitual of selling the intoxicants and he is involved in 4 other cases, out of which in 01 case under the NDPS Act, he stands convicted. There was a telephonic call between the deceased and the petitioner on the day of death. However, he does not dispute the custody period of the petitioner. He submits that the charges have been framed 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 07.10.2021. The deceased himself was a drug addict for the last 23 years. In the absence of PMR, it cannot be said that the deceased had died due to overdose of the intoxicant. 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

09.08.2022
Mangal Singh

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