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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47919-2022
Date of decision : 12.12.2022

SATVIR SINGH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0174 dated 12.06.2022 registered under Sections 304, 328 of IPC, 1860 at Police Station Kalanwali, District Sirsa.

2. The FIR came to be registered at the instance of Gurjant Singh son of Sadhu Singh who stated that his nephew Rohi Ram was a drug addict and despite being told to stop taking drugs did not do so. Rohi Ram had informed him (complainant) that Satbir Singh (petitioner) son of Mithu Singh, Gama Singh (granted anticipatory bail vide order dated 08.08.2022 passed in CRM-M-35000-2022) son of Sukhdev Singh, Taar Singh (granted interim anticipatory bail vide order dated 01.09.2022 passed in CRM-M-39356-2022) son of Joginder Singh and Raja Singh (granted anticipatory bail

vide order dated 16.08.2022 passed in CRM-M-35741-2022) son of Janta Singh provided him (Rohi Ram) the doses of drugs and a syringe on earlier occasions as well. On this, he (complainant) and his family members had gone to the house of the accused but they did not stop providing drugs to the deceased Rohi Ram. On 11.06.2022, when Rohi Ram was untraceable then they had found him lying dead in front of the house of Bagga Singh son of Chanta Singh on account of excess dosage of drugs.

3. The learned counsel for the petitioner contends that the petitioner is in custody since 03.09.2022. The investigation stands completed and none of the prosecution witnesses have been examined so far. The co-accused of the petitioner namely, Gama Singh @ Gurnam Singh and Raja Singh @ Raj Kumar have been granted the concession of anticipatory bail, whereas, the co-accused namely, Taar Singh has been released on interim anticipatory bail. Undoubtedly, there are five other cases pending against the petitioner but in the present case, there is absolutely no evidence inculcating the petitioner. Further, co-accused Gama Singh @ Gurnam Singh had been granted the concession of anticipatory bail despite seven other cases pending against him. He, thus, prays that the petitioner ought to be granted the concession of regular bail.

4. On the other hand, the learned State counsel contends that the nature of the allegations against the petitioner do not entitle him to the grant of bail. In fact, the petitioner himself had admitted in his disclosure statement that he along with his co-accused had filled the syringe with heroin and had given to Rohi Ram (deceased). The antecedents of the petitioner also do not entitle him to the grant of bail as prayed for. He however, does not dispute the

fact that two co-accused of the petitioner have been granted the concession of bail and one has been released on interim anticipatory bail.

5. I have heard the learned counsel for the parties at length.

6. Admittedly, the petitioner has been in custody since 03.09.2022.

None of the prosecution witnesses have been examined so far. The co-accused of the petitioner have been granted the concession of anticipatory bail. As such, the case of the petitioner is similar to that of his co-accused. Therefore, as the trial of the present case is not likely to be concluded in the near future, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Satvir Singh son of Mithu Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. The petitioner shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

12.12.2022
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No