

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53330-2021 (O&M)
Date of decision: 25.04.2022

Dolly Verma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Gandhi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.83 dated 05.06.2020 under Sections 304, 201, 511, 120-B IPC and Sections 27/29/61 of NDPS Act (added later on), registered at Police Station Verka, District Amritsar.

Learned counsel for the petitioner submits that the petitioner is in custody for the last more than 01 year, 10 months and 16 days and has relied upon the order dated 19.01.2021 passed in CRM-M-25766-2020, vide which three co-accused of the petitioner, namely Sukhwinder Singh @ Sabi, Pooja Sharma and Karan Baggi were granted the concession of bail. The operative part of the said order reads as under:-

“Learned counsels further submit that as per allegations in the FIR, registered at the instance of complainant Surinder Singh, it is

stated that his son Gurpreet Singh was in bad company for the last about two years and started consuming drugs. The complainant got him admitted in a de-addiction centre, where he met co-accused Karan Baggi and Gurwinder Singh as they were also in de-addiction centre and both of them were habitual of consuming drugs. Later on, they, along with their accomplice Pooja Sharma and Dolly, formed a gang for consuming drugs and selling heroin. While consuming heroin by taking injections, the son of the petitioner died due to overdose of the same.

Learned counsels further submit that it is a case where no narcotic drugs were recovered from any of the petitioners/accused and as per the statement and supplementary statement of complainant, his son Gurpeet Singh was a drug addict and remained in drugs de-addiction centre, where he met other accused and they started consuming drugs together.

Learned counsels further submit that the death of Gurpreet Singh occurred due to overdose of heroin, hence, it is a matter of trial whether any of the petitioners has forced him to consume the same or he himself has consumed.

Learned State counsel has filed the affidavit of the SI/SHO, Police Station Verka, along with statements of complainant, Hardeep Singh and Dharminder Singh including disclosure statements of the petitioners.

Learned State counsel submitted that it has come in the affidavit that deceased Gurpreet Singh came in contact with petitioners who used to come to a juice bar and consume the drugs. It is further submitted that in the supplementary statement, name of the accused persons is mentioned.

Learned State counsel further submitted that in the statement of Hardeep Singh, owner of the said juice bar, the name of the accused persons have surfaced that they used to come there along with deceased Gurpeet Singh and on the fateful day, he noticed that one person was lying unconscious in a vehicle.

Learned State counsel further submitted that even as per own disclosures of the accused, they have admitted that deceased Gurpreet Singh was given an injection of heroin.

Learned State counsel has also referred to the report of Chemical Examiner, wherein it was found that Organophosphorn compound and Morphine were detected in the exhibits to suggest that the death of Gurpreet Singh was on account of the drugs consumed by him.

I have heard learned counsel for the parties.

After hearing learned counsel for the parties and considering the allegations, I find that it is a matter of trial whether deceased Gurpreet Singh, who himself was a drug addict, consumed the drugs on the fateful day on his own or he was forced to consume the same at the instance of petitioners, who are also drug addicts.”

Learned counsel for the petitioner further submits that one more co-accused namely Gurwinder Singh @ Ginder has also been granted the concession of regular bail vide order dated 27.04.2021 passed in CRM-M-9166-2021. It is further submitted that the allegations against the petitioner are also identical in nature, as she along with other accused and the deceased were present together, where they administered the injections. It is also submitted that charges have been framed on 16.03.2021 and out of total 26 prosecution witnesses, none has been examined so far and due to COVID-19 situation, the trial is delayed.

Learned State counsel, on the basis of the custody certificate, has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 10 months and 16 days; she is not involved in any other case; her custodial interrogation is not

required; four of her co-accused are already released on regular bail and conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, in case the petitioner is found involved in any other case or misusing the concession of bail, in any manner.

[ARVIND SINGH SANGWAN]
JUDGE

25.04.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No