

**(214) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-53091-2022
Date of Decision: 22.11.2022**

TARSEM SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.0120 dated 28.05.2022 (Annexure P-1) registered under Section 304 IPC, 1860 at Police Station Lambi, District Sri Muktsar Sahib.

2. The present FIR was registered at the instance of Manpreet Kaur wife of Husandeep Singh who stated that she was married about 12 years ago and had two children. Her husband was a labourer and drug addict who consumed heroin (Chitta) and intoxicating tablets. She, her father-in-law and other family members had tried to stop him from consuming drugs but he did not stop. Her husband told her that he used to purchase heroin (Chitta) and intoxicating tablets from Tarsem Singh (petitioner). On 28.05.2022 at about 7.00 AM while her husband was injecting an intoxicant injection in his arms, he suddenly fell down from the cot. She and her mother Manjit Kaur caught

him but her husband had died. Her in-laws family reached the village at Killianwali. Her husband had died due to the drugs supplied by the petitioner.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was no evidence available with the prosecution that the petitioner had supplied drugs to the deceased either earlier or this time leading to his death. Taking the prosecution version to be correct, the statement of the complainant would amount to hearsay evidence and therefore would be inadmissible. He contends that in similar circumstances this Court had granted bail to the accused vide order dated 12.10.2022 passed in CRM-M-36930-2022 (Annexure P-3). Since the petitioner was in custody since 28.05.2022, was a first-time offender and none of the 17 prosecution witnesses had been examined so far, his incarceration was not required and he ought to be granted the concession of regular bail.

4. On the other hand, the learned State counsel contends that the petitioner is the only accused. Specific allegations had been levelled against him of supplying drugs to the deceased. The arguments raised by the petitioner would be a subject matter of Trial and at this stage, the seriousness of the allegations do not entitle the petitioner to the grant of regular bail. He however fairly concedes that there is no other case registered against the petitioner.

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

6. As per the allegations, the petitioner is stated to have supplied drugs to the deceased. There is no recovery from the petitioner of any

contraband. He is not a prior accused in any other case under the NDPS Act. The veracity of the statement of the complainant would certainly be tested during the course of Trial. At this stage, the further incarceration of the petitioner is not required as he is a first-time offender in custody since 28.05.2022 and none of the 17 prosecution witnesses have been examined so far leading to delay in the conclusion of the Trial.

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

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

22.11.2022

JITESH

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