

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

233

CRM-M-2170-2023

Date of Decision: 19.01.2023

Resham Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. Ashish Gupta, Advocate for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

**ASHOK KUMAR VERMA, J. (ORAL)**

Custody certificate dated 18.01.2023, filed by learned counsel for the State is taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 120 dated 03.06.2022, registered under Section 304 IPC at Police Station City, Kot-Kapura, District Faridkot.

As per prosecution story, the aforesaid FIR was registered against the petitioner and his co-accused, on the basis of secret information received by SI Gursewak Singh at around 9:00 PM to the effect that the petitioner and his co-accused, namely, Swarna, Bharat, Bittu, Vicky and Babbal, are making innocent persons of city Kotkapura and adjoining villages, habitual of selling and consuming intoxicants. On that day, one Kuldeep Khan @ Neela S/o Birbal R/o Gondara, died in a

vacant plot, due to heavy dose of intoxicant and his dead body is lying in Civil Hospital, Faridkot. The aforesaid deceased also used to take intoxicant from the above-mentioned persons and on that day also the deceased had brought intoxicant from the said persons. Finding the information to be reliable, ruqa was sent to the police station on the basis of which formal FIR under Section 304 IPC was registered against the petitioner and his co-accused. During investigation, Rafiq Mohammad @ Rafiq S/o Birbal, got recorded his supplementary statement with the police on 09.07.2022 and petitioner-Resham Singh, along with his co-accused, namely, Balkar Singh @ Bittu and Bharat, was arrested by the police.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case on the basis of supplementary statement of Rafiq Mohammad brother of deceased-Kuldeep Khan @ Neela. There is no evidence or material on record that deceased had died after purchasing any intoxicating drugs from the petitioner. He was expired due to overdose of drugs. Nothing has to be recovered from the petitioner. The petitioner is in custody since 31.08.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely; Vicky Kumar and Swarna Rani, have already been granted the concession of anticipatory bail by this Court vide orders dated 05.01.2023 (Annexures P-2 and P-3, respectively). Therefore, treating the case of the petitioner on the same parity as that of his co-accused, he may

be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case and also the fact that co-accused of the petitioner, namely, Vicky Kumar and Swarna Rani, have already been granted the concession of anticipatory bail by this Court vide orders dated 05.01.2023 (Annexures P-2 and P-3, respectively), but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Resham Singh, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

**January 19, 2023**  
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**(ASHOK KUMAR VERMA)**  
**JUDGE**

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|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |