

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

(213)

CRM-M-5887-2023 (O&M)

Date of decision: - 06.07.2023

Surinder Singh @ Shinda

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Anureet S. Sidhu, Advocate, for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

VIKAS BAHL, J. (ORAL)CRM-27011-2023

Present application has been filed under Section 482 Cr.P.C.
for placing on record the correct copy of FIR No.109 dated 09.06.2022
(Annexure P-1).

For the reasons stated in the application, the same is allowed.
Copy of FIR No.109 dated 09.06.2022 (Annexure P-1) is taken on record,
subject to all just exceptions.

CRM-M-5887-2023

1. This is the second petition under Section 439 Cr.P.C. for
grant of regular bail to the petitioner in FIR No.109 dated 09.06.2022,
under Sections 304 and 34 IPC, registered at Police Station Vairoke,
District Fazilka.

2. Learned counsel for the petitioner has submitted that the
petitioner is in custody since 10.06.2022 and investigation is complete
and challan has been presented and there are 14 prosecution witnesses,

none of whom have been examined and thus, the trial is likely to take time. It is further submitted that the previous bail application of the petitioner was withdrawn on 06.12.2022 and thereafter, sufficient period of time has lapsed and yet the trial has not been concluded and thus, the same entitles the petitioner to file the present petition. It is further submitted that the petitioner is not involved in any other case and that a perusal of the FIR would show that it had been stated by the complainant that his son used to buy drugs from unknown persons and thus, apparently even as per the version in the FIR, the deceased was a drug addict. It is also submitted that in the present case, neither the complainant nor Kulwinder Singh nor any other person had stated that they had seen the present petitioner giving any dosage of drugs to the petitioner. It is stated that no injury has been caused to the deceased and the allegations in the FIR to the effect that when the complainant alongwith Kulwinder Singh arrived at the place of incident, then, the petitioner was seen standing along side the deceased, who was unconscious, would also go in favour of the petitioner, inasmuch, in case the petitioner was involved in the commission of offence, then, he would not be standing next to the body of the deceased. It is further stated that no recovery has been effected from the present petitioner.

4. Learned State counsel, on the other hand, has opposed the present petition for grant of regular bail and has submitted that as per the FIR, on seeing Kulwinder Singh and the complainant, the petitioner ran away from the place of crime, which shows that the petitioner was *prima facie* involved in the commission of the offence and thus, the petitioner does not deserve the concession of regular bail. The other facts, however,

have not been disputed by learned State counsel.

5. This Court has heard the learned counsel for the parties and has perused the paper book.

6. Keeping in view the above-said facts and circumstances, more so, the fact that the petitioner is in custody since 10.06.2022 and out of 14 witnesses, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case and also the fact that even as per the FIR, it had been stated that the deceased used to buy drugs from unknown persons and that neither complainant nor Kulwinder Singh had seen the petitioner administer any dosage of drugs to the deceased, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

6. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

7. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

July 06, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No