

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

CRM-M-12640-2023

Date of Decision: 26.04.2023

BALJINDER SINGH

..... PETITIONER

VS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present : Mr. Hardial Singh Batth, Advocate for the
petitioner.

Mr. Sarbjit Singh Cheema, DAG, Punjab.

GURBIR SINGH, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 0055 dated 20.03.2022 under Sections 304/34 IPC registered at Police Station City South, District Moga.

The case was registered on the statement of one Harmesh Kumar @ Hani. As per allegations his younger brother Abhi aged about 17 years was a drug addict and he often used to visit Baljinder Singh @ Billa, Rajbir Singh, Ricky and Mota. On 19.03.2022 at about 4:00 P.M, Abhi left the home after taking money on the pretext of purchasing clothes and shoes. He was having mobile phone having sim with him but he did not return home till evening and thereafter, his father made a call to his mobile phone but same was not responding being switch off. Then

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his cousin Vishal called him and call was picked by friend of Abhi i.e. petitioner Baljinder Singh and told that Abhi had become unconscious and lying in his house. He and his cousin went there and saw that Abhi was lying on the bed and water was poured on his head. They brought Abhi to house and then to the Doctor who declared him as brought dead. As per opinion of Doctor, death caused due to morphine poison.

Learned counsel of the petitioner submits that the petitioner has been falsely implicated. The challan has already been presented. The complainant and his cousin Vishal, material witnesses have already been examined. The petitioner had no role in giving any intoxicants to the deceased. If he had taken any intoxicant, he would have taken with his own choice. The petitioner is in custody since 21.03.2022.

Learned State counsel has opposed the prayer made by the learned counsel for the petitioner and submits that the deceased was found in company of the petitioner. They gave intoxicants to the deceased so they are fully responsible for the death of the deceased and he has not denied the fact that the petitioner is in custody since 21.03.2022. He further submits that 6 out of 11 witnesses have already been examined.

Heard.

Keeping in view the fact that the complainant and his cousin have already been examined. It is not a case where drug is given forcibly. The deceased himself was a drug addict and was taking drugs with his own choice. The petitioner is in custody since 21.03.2022.

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The completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

(GURBIR SINGH)
JUDGE

26.04.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>