

2023 : PHHC : 046831

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

**CRM-M-14901-2023
Date of Decision: 29.03.2023**

DHARAMPREET SINGH @ PEETA SINGH ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Hittan Nehra, Addl. A.G. Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 185 dated 12.11.2022 under Sections 304, 34 IPC, registered at Police Station Sadar, Faridkot, District Faridkot.

Custody certificate has been taken on record.

Briefly, as per the allegations of the prosecution, Ravi Singh @ Lucky and Abhishek Singh, co-accused had purchased some intoxicant material from the petitioner and gave overdose of the intoxicant to Sukhchain Singh, the brother of the complainant which resulted in his death.

Learned counsel for the petitioner contends that the only allegation against the petitioner is to the effect that the intoxicant was allegedly purchased by the co-accused from him. There is nothing to indicate that the petitioner was in any manner involved in administering such an intoxicant substance to the deceased. The petitioner is in custody for

a period of 3 months and 29 days and not involved in any other case. The investigation of the case is complete and the challan has already been presented in the Court.

Learned State counsel has opposed the bail application on the score that the petitioner has been specifically named in the FIR. Furthermore, as per the post-mortem report, the cause of death is multi-organ failure which was sufficient to cause death in the ordinary course of nature. It has also been submitted that though no poison has been detected, as per the report of chemical examiner but it is a case of overdose of intoxicant substance which resulted in the death of Sukhchain Singh.

It is significant to note that there is no specific allegation attributed against the petitioner to the effect that he had administered overdose of intoxicant substance to Sukhchain Singh which resulted in his death. The allegation against the petitioner is to the effect that the intoxicant substance was procured by the co-accused from him. It shall not be out of place to mention here that the custody certificate does not indicate that the petitioner is involved in any other case much less under NDPS Act which tend to raise a doubt with regard to the allegation that the petitioner is habitual of selling the intoxicant. The petitioner is in custody for a period of 3 months and 29 days and is not involved in any other case. The investigation of the case is complete and the challan has already been presented in the Court and till date no witness has been examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

29.03.2023

Janki

**(VIVEK PURI)
JUDGE**

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