

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

(i)

CRM-M-15328-2023

Tejinder Singh @ Pala

..... Petitioner

Versus

State of Punjab

..... Respondent

(ii)

CRM-M-15385-2023

Vikramjit Singh @ Shinda

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of Decision : 10.04.2023

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Ms. Lavanya Gupta, Advocate
for the petitioner in CRM-M-15328-2023.

Mr. Raj Kumar Gupta, Advocate
for the petitioner in CRM-M-15385-2023.

Mr. M.S.Nagra, Asstt. Advocate General, Punjab
for the respondent-State.

VIKRAM AGGARWAL, J (ORAL)

This order shall dispose of aforesaid two petitions, filed under Section 439 Cr.P.C., for the grant of regular bail to the petitioners in case FIR No.194 dated 30.12.2022, registered under Section 304 IPC, at Police Station Dugri, Police Commissionerate, Ludhiana.

On the intervening night of 29/30.12.2022, one Gursimranjit Singh, aged about 23 years was found dead. Upon inquiry by the father of the deceased namely Harjit Singh (complainant), it revealed that deceased Gursimranjit Singh used to consume heroin and that he was given an overdose of the said drug by one Preet. Said Preet was arrested and is stated to be in custody. A supplementary statement is said to have been given by complainant Harjit Singh that the present petitioners were also involved in the business of sale of drugs and, therefore, their involvement could also be there. On the basis of this statement, the petitioners were arrested on 05.01.2023 and have been in custody since then.

Learned counsel for the petitioners submits that only on the basis of this supplementary statement of the complainant, the petitioners have been arrested and have been falsely implicated in this case. He submits that the petitioners have absolutely no role to play in the matter and in any case they will face the trial and the truth shall come out. He further submits that final report under Section 173 Cr.P.C., has already been submitted; no recovery is to be made from the petitioners; trial will still take a sufficiently long time and, therefore, no useful purpose would be served by keeping the petitioners in custody any longer.

On the other hand, learned counsel representing the respondent-State of Punjab has opposed the present bail petitions. It has been submitted that the petitioners are habitual offenders and number of cases stand registered against them majority of which are under the Narcotic Drugs & Psychotropic Substances Act 1985. It has been submitted that if the petitioners are

released on bail, they may try to threaten and influence the complainant as also the other witnesses and may also abscond.

Admittedly, the petitioners were not named in the FIR. Accused Preet who was named in the FIR is already in custody. There is no allegation that the petitioners asked the deceased to consume heroin. In any case, this question shall be determined at the stage of trial. The fact that the petitioners are involved in a large number of other cases is not relevant for the purpose of the present case and in the present case, only the allegations qua the petitioners shall have to be considered. The final report under Section 173 Cr.P.C. has already been submitted and trial will still take a sufficiently long time. In the considered opinion of this Court, no useful purpose would be served by keeping the petitioners in custody any longer.

In view of the aforementioned facts and circumstances, without commenting on the merits of the case, both the petitions are allowed. The petitioners are ordered to be released on regular bail to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(VIKRAM AGGARWAL)
JUDGE

10.04.2023
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No