

220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16082 of 2022(O&M)

Date of Decision: 13.02.2023

Kuldip Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Mitul Singh Rana, Advocate
For the petitioner.**

Mr. C.L. Pawar, Addl. AG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 120 dated 29.09.2021, registered under Section 304 IPC and Sections 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act at Police Station Sadar Batala, District Gurdaspur.

The allegations in nutshell are that the petitioner who is a widow tried to develop illicit relations with deceased Harpreet Singh and was also making efforts to involve the deceased in drug trafficking as she herself was involved in the same. That on 28.09.2021 complainant Jugraj Singh went to meet his cousin (deceased) and in the meantime petitioner Kuldeep Kaur came there on her scooty and called the deceased and then deceased left with the petitioner on her scooty and thereafter he did not come back and finally his dead body was recovered from the fields. During investigation of the case the petitioner was arrested on 21.01.2022. As per

the opinion given by the doctor, deceased Harpreet Singh died due to Morphine poisoning.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody for the last more than 01 year and after completion of investigation now charges are framed by the trial Court under Section 304 IPC and it will take considerable time for the trial to conclude. It is further contended that the entire case is based on circumstantial evidence and in this case the deceased died due to overdose of drugs and it may have been self administered by the deceased. So, prayer is made that the petitioner be released on bail.

The present petition is resisted by the State counsel who submits that it was petitioner who took the deceased along with her and thereafter the deceased was found dead due to overdose of morphine. The State counsel further submits that the petitioner is in custody for the last more than 01 year but the complainant is yet to be examined. However, the State counsel has not disputed the fact that no contraband was recovered in this case from the petitioner except for one syringe.

I have considered the submissions made by counsel for the parties.

The entire case is based on circumstantial evidence and exact complicity of the petitioner will be unfolded during the trial. No doubt, charges have been framed against the petitioner by the trial Court but it will take considerable time for the trial to conclude. Further, as has been submitted by the counsel for the petitioner the deceased may have died due

to self overdose of drugs. As per the custody certificate furnished by the State counsel the petitioner is in custody for the last more than 01 year. In view of the above, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.02.2023

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**