

216 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-16606-2023  
Decided on : 17.04.2023

Narinder Singh @ Ninder

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Naveen Bawa, Advocate  
for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab.

\*\*\*\*

**Manjari Nehru Kaul, J.(Oral)**

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.38 dated 03.04.2022 under Sections 304 and 120-B IPC registered at Police Station Samrala District Khanna.

Learned counsel for the petitioner submits that the petitioner has been in custody since 03.04.2022 and none out of 12 prosecution witnesses cited, have been examined till date. Hence, there is no likelihood of the trial concluding in the near future. While drawing the attention of this Court to the allegations levelled in the FIR (Annexure P-1) learned counsel submits that a perusal of the same clearly indicates that the deceased Sarpreet Singh s/o Janak Singh – complainant was a drug addict and on the date when he left his house and subsequently when the complainant went searching for him, co-

accused Jagjit Singh @ Jaggi s/o Gurmakh Singh and Jagjit Singh @ Ravi s/o Pal Singh informed him that the deceased had been consuming intoxicant and thereafter had left in the company of the petitioner on the motorcycle. However, on the following day, the petitioner was found lying unconscious and when he was removed to the hospital, he died. Learned counsel has submitted that as per the postmortem report, the petitioner had died on account of over dose of the intoxicant. He thus, submits that there was no cogent evidence from which it could be even remotely inferred that the deceased had intentionally been forced to consume alleged intoxicant, which in turn, proved to be fatal for him.

Per contra learned State counsel has opposed the prayer made by the counsel opposite and submits that no doubt, as per the allegations levelled in the FIR, co-accused did inform the complainant that they along with the petitioner and the deceased had been consuming intoxicants, and thereafter the deceased had accompanied the petitioner, however, the complainant had also stated therein that the petitioner had been rebuked by him for getting his deceased son addicted to narcotic substances.

Heard learned counsel for the parties and perused the relevant material on record.

Investigation in the present case is complete and charges stand framed. Hence, in the facts and circumstances as enumerated hereinabove, keeping in view that the petitioner has been in custody since 03.04.2022, and none out of the 12 prosecution witnesses has been examined till date, this

Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

17.04.2023  
*sonia*

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