

CRM-M-18030-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18030-2023
DECIDED ON: 21.04.2023

SARABJIT SINGH ALIAS SHERA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ashok Giri, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The instant petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.86 dated 14.04.2022 under Sections 304 and 34 of IPC registered at Police Station Shohkat, District Jalandhar.

Learned counsel for the petitioner vehemently contends that the allegations qua the petitioner in the FIR is that he along with two other co-accused persons have forcefully administered over dose of the drugs which resulted into death of Navi Kumar son of the complainant.

Notice of motion.

On the asking of the Court, Mr. Mohit Kumar, AAG, Punjab accepts notice and has filed custody certificate dated 20.04.2023, which is taken on record. According to which, the petitioner has undergone 12 months of actual custody. He has also produced a report of chemical examiner dated 05.07.2022 wherein

observations are made to the effect that Morphine positive in exhibit I, II & IV has been recorded with no poison detected in the contents of exhibit III.

However that report of Chemical Examiner is not conclusive to record that it was a case of over dose of the Morphine which actually resulted in the death of deceased, namely, Navi Kumar son of the present complainant.

Whereas on the other hand, aforesaid report itself concludes that there is no poison detected in the contents of sample of preservative exhibit-III.

In view of the above and also taking into consideration the custody undergone by the petitioner as well as the outcome of the FSL report and the fact that the trial is likely to take some time wherein challan stands presented, charges framed on 13.02.2023 but none of the witness has been examined so far out of total 19, no fruitful purpose would be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

The present petition is, therefore, allowed.

(SANDEEP MOUDGIL)
JUDGE

21.04.2023

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Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*