

2023:PHHC:060979

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

CRM-M-19973-2023
Date of Decision: 28.04.2023

PAWANDEEP SINGH @ BUNTY BRAR

.... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail in FIR No.194 dated 30.12.2022, registered under Section 304 IPC (Section 27/29 of NDPS Act, 1985 added lateron), at Police Station Dugri, District Ludhiana (Annexure P-1).

2. On the intervening night of 29/30.12.2022, one Harsimranjit Singh, aged about 23 years was found dead. Upon inquiry by the father of the deceased namely Harjit Singh (complainant), it was revealed that deceased Harsimranjit Singh used to consume heroin and that he was given an overdose of the said drug by one Preet. The 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 petitioner was also involved in the business of sale of drugs and, therefore, his involvement could also be there. On the basis of this statement, the petitioner was arrested on 05.01.2023 and has been in custody since then.

3. Learned counsel for the petitioner submits that only on the basis of this supplementary statement of the complainant, the petitioner has

been arrested and has been falsely implicated in this case. He submits that the petitioner has absolutely no role to play in the matter and in any case, the petitioner will face trial and the truth will come out. It has been submitted that the petitioner is in custody since 05.01.2023; final report under Section 173 Cr.P.C. has already been submitted; trial will still take a sufficiently long time; co-accused Tejinder Singh @ Pala and Vikramjit @ Shinda have been granted regular bail by this Court vide order dated 10.04.2023 passed in CRM-M-15328-2023 and the case of the petitioner is at par with that of the co-accused.

4. On the other hand, learned counsel representing the State of Punjab has opposed the petition. It has been submitted that another case under the NDPS Act, 1985 stands registered against the petitioner. He submits that if the petitioner is released on bail, he may threaten and influence the complainant as also the other witnesses and may abscond. It has however been admitted that the petitioner is in custody since 05.01.2023 which is clear from the custody certificate filed in the Court today and which has been taken on record. Learned counsel representing the State of Punjab has also not been able to dispute that the case of the present petitioner is at par with that of co-accused Tejinder Singh @ Pala and Vikramjit @ Shinda who have been granted regular bail by this Court.

5. Admittedly, the petitioner was not named in the FIR. The main accused Preet who was named in the FIR is already in custody. There is no allegation against the present petitioner that he had asked or forced the deceased to consume heroin. In any case, the role of the petitioner and offence, if any, committed by him shall be determined at the stage of trial.

The registration of another case against him under the NDPS Act would not

be relevant for the purposes of the present case as in the present case, only the allegations in this case have to be considered. The petitioner is in custody since 05.01.2023. Final report under Section 173 Cr.P.C. has already been submitted. Co-accused Tejinder Singh @ Pala and Vikramjit @ Shinda have already been granted regular bail by this court. Trial will still take a sufficiently long time and, therefore, in the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody any longer.

6. In view of the aforementioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

(VIKRAM AGGARWAL)
JUDGE

28.04.2023

M.Sikka

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