

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

2023:PHHC:063149

CRM-M-20890-2023

Date of Decision: 03.05.2023

ABHISHEK SINGH ALIAS ABHI

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.S.Brar, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 185 dated 12.11.2022 under Sections 304, 34 IPC, registered at Police Station Sadar Faridkot, District Faridkot.
2. Custody certificate has been taken on record.
3. Briefly, as per the allegations of the prosecution, the petitioner along with the co-accused namely Ravi Singh @ Lucky used to sell intoxicant material. They came to the house of the deceased and took him along with them. The petitioner along with Ravi Singh @ Lucky, co-accused had procured the drugs from co-accused Peeta and administered the same to the deceased. After about half an hour, the deceased was brought to the house in an unconscious condition and the petitioner along with the co-accused slipped away.
4. Learned counsel for the petitioner contends that the deceased

was a drug addict and having matrimonial dispute. On account of his addiction, his marriage ended in divorce. There is nothing to indicate that the petitioner was known to the deceased, in any manner, or had passed on the drugs to him at the earlier instance or even on the day of occurrence. There is nothing to indicate that the complainant at any point of time had reported the matter with regard to passing of the drugs to the deceased by the petitioner during his lifetime. The cause of death is stated to be multi-organ failure and as per the report of chemical examiner, no poison has been detected. The petitioner is in custody for a period of 5 months and 18 days and not involved in any other case. Furthermore, the similarly placed co-accused Ravi Singh @ Lucky has been granted regular bail by this Court in terms of the order dated 21.04.2023 passed in CRM-M-17982-2023, Annexure P-3.

5. Learned State counsel has opposed the bail application on the score that as per the report of chemical examiner, no poison has been detected but it is a case of overdose of intoxicant substance which has resulted in the death of Sukhchain Singh, deceased.

6. It is significant to note that the allegations against the petitioner are to the effect that he along with the co-accused has been supplying drugs to the deceased, who was a drug addict. On the day of occurrence, the deceased was taken along with the petitioner and the co-accused and left back after about half an hour in an unconscious condition. It shall not be out of place to mention here that the custody certificate does not indicate that the petitioner is involved in any other case much less under NDPS Act which tends to raise a doubt with regard to the genuineness of the allegation

that the petitioner is habitual of selling and supplying the intoxicants. The petitioner is in custody for a period of 5 months and 18 days and is not involved in any other case. Moreover, the similarly placed co-accused Ravi Singh @ Lucky has been granted regular bail. The investigation of the case is complete, the challan has already been presented in the Court and till date no witness has been examined. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

03.05.2023

Janki

(VIVEK PURI)
JUDGE

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