

CRM-M-23149-2023

Date of Decision: 12.05.2023

JAGJIT SINGH @ JAGGI

.... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAULPresent:- Mr. Naveen Bawa, Advcoate
for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

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

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 03.04.2022 and after the charges were framed on 15.09.2022, the trial has come to virtual standstill as none out of the 12 prosecution witnesses cited have been examined till the date. While drawing the attention of this Court to the allegations levelled in the FIR in question which has been annexed as (Annexure P-1). Learned counsel submits that a perusal of the same clearly indicates that the deceased Sarpreet Singh was a drug addict and on the fateful day, when he had left his house and subsequently when his father i.e. the complainant went searching for him, petitioner and Jagjit Singh @ Ravi informed him that the deceased had been consuming intoxicant and thereafter had left in the company of co-accused Narinder. However, on the following day, the deceased was found in an unconscious condition and on being removed to the

hospital, he died. Learned counsel has further submitted that even as per the postmortem report the cause of death was over dose of intoxicant. He vehemently submits that there was no evidence at all on record from which it could be inferred that the deceased had been forced to consume intoxicant, by the petitioner, which in turn proved to be fatal for him.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite submits that nodoubt, as per the postmortem report, the deceased had died due to of over dose of intoxicant. The petitioner had been seen in the company of the deceased before he went away on the motor-cycle of co-accused Narinder Singh.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Petitioner is in custody since 03.04.2022 and trial will take considerable time to conclude as none out of the 12 prosecution witnesses have been examined till date. In the facts and circumstances, as enumerated hereinabove coupled with the fact that charges stand framed, no useful purpose would served in keeping the petitioner behind bars.

6. 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

12.05.2023
M.Sikka

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