

2023:PHHC:101705

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

226-A

CRM-M-25236-2023 (O&M)

Date of Decision: 07.08.2023

BEANT SINGH ALIAS CHAINA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Anju Arora, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

Ms. Nisha Rana, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.165 dated 21.10.2022, registered under Section 304, 34 IPC, at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner submits that the son of the complainant, namely, Sukhjinder Singh (since deceased), was a drug addict; that the allegations against the petitioner and co-accused are that they had supplied drugs to the deceased, over the wall of the house at about 7:30 a.m.; that the deceased had injected the said intoxicant substance in a washroom, the door of which was broke open and Sukhjinder Singh was shifted to the hospital; that as per the postmortem report, multiple pus was found in both the lungs; that as per the chemical examiner report, no poison was detected and that as per the report dated

13.02.2023 of the Doctors, the cause of death was Septicaemia. He further submits that the petitioner has been in custody since 20.11.2022.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel and learned counsel for the complainant do not dispute the custody period of the petitioner.

Learned counsel for the complainant submits that the petitioner is a drug peddler and used to supply intoxicant substance to the deceased and other persons and that the cause of death was Septicemia, which was because of the bacterial infection caused while injecting the Heroin. She further submits that the petitioner is a habitual offender, inasmuch as, there are five more cases registered and/or pending against the petitioner, out of which 3 are under the NDPS Act and 2 under IPC' that the petitioner has also been convicted in 2 NDPS cases and that the material prosecution witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

Indisputably, Sukhjinder Singh (since deceased) was a drug addict. As per the Chemical Examiner report, no poison was found in the body and as per the post mortem report, the lungs were badly affected, which seems to be the cause of death. The petitioner has been in custody since 20.11.2022. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

07.08.2023

(HARNARESH SINGH GILL)

Aman Jain

JUDGE

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