

CRM-M-26156-2023

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26156-2023
Date of decision: 29.05.2023

JAGJIT SINGH ALIAS RAVI

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arihant Goyal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.38 dated 03.04.2022 lodged under Sections 304/120-B of the Indian Penal Code, 1860 registered at Police Station Samrala, District Ludhiana.

2. Learned counsel for the petitioner *inter alia* contends that totally false allegations have been levelled against the petitioner of having conspired with the co-accused and having forcibly administered drugs to Sarpreet Singh, (since deceased), as a result of which, he died. Learned counsel has submitted that a perusal of the FIR (Annexure P-1) clearly hints towards the deceased being a drug addict. On the fateful day i.e. on 02.04.2022, he had left his house alone. Thereafter, when his father i.e. the complainant went searching for him, he was informed by his nephew, Sikander Singh, that all the accused along with his son were sitting together

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and consuming drugs. On the following day, the deceased was found in an unconscious condition and on being removed to the hospital, he died. Learned counsel further submits that even as per the post-mortem report, the cause of death was on account of over dose of intoxicants. He vehemently asserts that there was no evidence at all on record, from which, it could be even remotely inferred that the deceased had been forced to consume intoxicants, by the petitioner, which in turn proved to be fatal for him. He still further 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 a virtual standstill as none of the 12 prosecution witnesses cited have been examined. It has also been submitted by the learned counsel that similarly situated co-accused have since been extended the concession of bail by this Court vide order dated 17.04.2023 (Annexures P-2 and P-3).

3. Per contra, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Joginder Singh has submitted that no doubt as per the post-mortem report, the deceased had died due to excessive consumption of intoxicants, however, the nephew of the complainant, Sikander Singh, had seen all the accused including the petitioner in the company of the deceased soon before he was found unconscious.

4. I have heard learned counsel for the parties and perused the material placed on record. The petitioner has now been in custody for more than a year having been arrested on 03.04.2022 and investigation is complete in the case. As noticed earlier, none of the prosecution witnesses have been examined till date, hence, the trial shall take considerable time to conclude

and no useful purpose would be served by keeping the petitioner in custody.

5. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of 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.

29.05.2023
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(MANJARI NEHRU KAUL)
JUDGE

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