

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

205

CRM-M-29596-2023 (O&M)

Date of Decision: 01.09.2023

HARJOT SINGH @ JYOTI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.24 dated 12.03.2023, registered at Police Station Koom Kalan, District Ludhiana, under Section 304 IPC.

Status report by way of an affidavit dated 01.09.2023 of the ACP, Industrial Area-A, Ludhiana, filed on behalf of the respondent-State, in the Court, is taken on record. Copy thereof has been supplied to the learned counsel opposite.

Learned counsel for the petitioner submits that on the basis of the statement of Chand Singh (brother of the deceased), the above noted FIR had been registered against Mukhtiar Singh and Surjit Singh; that the petitioner was not named in the FIR; that the petitioner has been indicted in the present case on the basis of extra judicial confession made by him before one Gian Singh and that the petitioner has been in custody

since 12.03.2023 i.e. for more than five and a half month. He further submits that, as per the contents of the FIR, the deceased was a drug addict; that, as per the disclosure statement of Gian Singh, the allegation against the petitioner is that he has supplied the intoxicant substance to the deceased, whereas he has nothing to do with the alleged occurrence. Still further, it is submitted that out of total 11 prosecution witnesses, only 1 has been examined so far.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had supplied the intoxicant substance to Beesa Singh and because of the overdose, he has died and that there are witnesses, who have seen the petitioner supplying the intoxicant substance to the deceased. He further submits that the petitioner is a habitual offender and facing one more case under the NDPS Act i.e. FIR No.79 dated 12.05.2022 registered under Section 21 of the NDPS Act, at Police Station Koom Kalan, Ludhiana, though on bail and that the material 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.

The petitioner was not named in the FIR and has been indicted in the present case on the basis of extra judicial confession made by him before one Gian Singh. Nothing has been recovered from the petitioner. As per the contents of the FIR, the deceased was a drug addict. The petitioner has been in custody since 12.03.2023 i.e. for more than

five and a half month. In another case under the NDPS Act, the recovery of 10 gram heroin was effected from the petitioner and he is on bail. 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.

01.09.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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