

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-32371-2023

Date of decision: 25.09.2023

Khushkaran Singh @ Khushi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. T.P.S. Makkar, 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 Cr.P.C. in case FIR No.0122 dated 31.05.2022 under Sections 304, 34 of the IPC registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegation levelled in the FIR which has been annexed as Annexure P-1, submits that by no stretch of imagination the allegations levelled in the FIR would invite the mischief of an offence much less under Section 304 of the IPC. It has been submitted that the deceased was found lying dead in an open area and it was also a matter of record that there were no external injuries found on his person during his post mortem examination. It has been further submitted that as per the admitted case of the complainant himself his nephew i.e. the deceased was a drug addict. Learned counsel has further submitted that even as per the Post Mortem Report,

the deceased had died on account of the overdose of drugs. Learned counsel submits that the petitioner has been in custody since 11.05.2023 in a case which on the face of it comes across as being totally false. Learned counsel has further submitted that investigation in the case in hand is complete as challan stands presented, however, charges have not yet been framed, hence, the trial would take considerable time to conclude moreso since 22 witnesses have been cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Sandeep Singh, has not disputed that the cause of death as per Post Mortem Report of the deceased was on account of the overdose of drugs. However, he submits that though the co-accused have been granted the concession of bail, however, the case of the petitioner would not be at par with them as the petitioner is involved in cases under the NDPS Act, which find clearly reflected in the custody certificate which has been placed on record today.

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

5. The petitioner has been in custody since 11.05.2023. Investigation in the case in hand is complete, however, there is no likelihood of the trial concluding in the near future as charges have not yet been framed coupled with the fact that as many as 22 prosecution witnesses have been cited. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

25.09.2023

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(MANJARI NEHRU KAUL)
JUDGE

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