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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-33022 OF 2023
DATE OF DECISION: 03.10.2023**

Harpreet Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Ms. Harpreet Maini, Advocate,
For the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Status report dated 26.09.2023 and custody certificate dated 01.10.2023 have been tendered in course of hearing, which are taken on record. Copies thereof have been supplied to learned counsel opposite.

2. After being declined bail by learned trial Court, petitioner before this Court seeks his release as an undertrial in a case bearing FIR No.81 dated 13.05.2023, registered under Section 304 of Indian Penal Code, 1860 (for short 'IPC') at Police Station, City Kotkapura, District Faridkot.

3. Per prosecution case, FIR was registered on the statement of Amandeep Kaur wife of deceased Gagandeep Singh. On 12.05.2023 her husband Gagandeep Singh dropped her home and then went to the house of one Pawan Kumar, who supplied an intoxicant to her husband. Petitioner, a doctor, was instrumental in arranging a syringe which the deceased used to administer the said intoxicant. The intoxicant was obtained from co-accused Pawan Kumar alias Langu and his wife Pooja Rani, by paying Rs.1,000/-. Several times complainant had asked the accused to refrain them from supplying syringe/intoxicant material to Gagandeep Singh-deceased, but they did not pay

any heed. Deceased, before his death, also disclosed that he had obtained the said syringe from Dr. Harpreet Singh and the contraband from Pawan Kumar, husband of the Pooja Rani. During course of investigation, all three accused i.e. Doctor Harpreet Singh, Pawan Kumar and his wife Pooja Rani were arrested.

4. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

5. Learned counsel for petitioner submits that case set up by the prosecution is that husband of the complainant died due to the overdose of an intoxicant, which was allegedly supplied by co-accused Pawan Kumar and his wife Pooja Rani. The only role attributed to the petitioner is that he provided syringe to the deceased for injecting drug.

5.1 Learned counsel for the petitioner would further contend that petitioner belongs to a reputed family. He further contends that ingredients of Section 304 IPC are not made out and there is no evidence to connect the petitioner with the death of deceased. There is unexplained delay of 18 hours in registration of FIR. Petitioner has no criminal antecedents. He further submits that deceased was a drug addict and used to consume drugs daily. He died due to overdose of drugs and petitioner has nothing to do with supply of drugs consumed by petitioner.

5.2 Learned counsel further refers to medical record and photographs of leg of petitioner contained at Annexures P-4 and P-5 to contend that petitioner had met with an accident two-year ago. He had suffered serious wound on his left leg, which now requires skin grafting at the earliest.

5.3 He further submits that petitioner is not required for further custodial interrogation. There is no likelihood of petitioner tampering with evidence and/or influencing prosecution witnesses.

5.4. Learned counsel for petitioner points out that co-accused of the petitioner, namely, Pooja Rani has already been extended the concession of bail

by this Court vide order dated 29.09.2023 passed in CRM-M-41619-2023. He further submits that case of petitioner is on better footing than that of his co-accused Pooja Rani who has been granted bail, yet he continues to be in jail.

6. On the other hand, learned State counsel opposes the bail petition. He submits that petitioner has committed a serious offence. In case, petitioner is granted concession of bail, there are chances of his fleeing from the trial proceedings. He however, admits that no other case is pending against him.

7. On a Court query, under instructions from ASI Jaswant Singh, learned State counsel informs that challan was filed on 07.08.2023. Petitioner is not required for custodial interrogation. There are 16 witnesses of prosecution but none has been examined so far. Case before learned trial Court is fixed for 07.10.2023 for recording evidence of prosecution.

8. Allegations against petitioner are a matter of trial at this stage. Conclusion of trial will still take long time, given the snail pace it is going on. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for more than four and a half months, being behind bars since 13.05.2023. He is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/ or influence witnesses.

9. Petitioner is stated to be 39-year old family person. He is a doctor by profession. Petitioner is not flight risk in any manner, given that he has a family to look after and has a fixed abode and clean antecedents.

10. Co-accused of petitioner, namely, Pooja Rani has been granted the concession of bail by this Court.

11. Considering the overall scenario and, given the medical requirement of the petitioner to undergo further treatment and, without commenting on the merits of the case, the instant petition is allowed. I am of

the view that no useful purpose would be served to keep the petitioner in further preventive custody.

12. Accordingly, petitioner is ordered to be released on bail, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Ld. trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

13. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

14. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

15. Pending application(s), if any, shall also stand disposed of.

OCTOBER 03, 2023
Shalini

(ARUN MONGA)
JUDGE

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