

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33676-2023 (O&M)
Date of Decision: 20.07.2023

Surjit Singh @ Motta

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Munish Garg, Advocate, for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.47 dated 13.04.2023, under Section 304 IPC, registered at Police Station Tapa Mandi, District Barnala.

2. Learned counsel for the petitioner has submitted that it is a case where the allegations against the other co-accused were that they had given over dose of intoxicant substance to the husband of the complainant who was a drug addict and it is the case of the complainant herself that due to over dose her husband had died and the petitioner was not even named in the FIR. He submitted after some time his name was nominated on the basis of disclosure statement of the co-accused on the ground that the petitioner had supplied the drugs to the aforesaid persons. He submitted that in fact the petitioner was earlier involved in two more cases under the NDPS Act and the police has falsely implicated the petitioner only because of that reason as a cover up

operation and has submitted that even as per the prosecution, the over dose of drugs if at all was not administered by the petitioner. He submitted that later on the petitioner was arrested and now he is in custody for 1 month and 10 days but investigation qua the petitioner is complete and challan has been presented before the competent Court and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab has submitted that it is correct that the investigation of the case has been completed and challan has been presented qua the petitioner but during the course of investigation it was found that the petitioner had supplied the drugs to the other co-accused who had administered the over dose to the deceased who was a drug addict.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody for 1 month and 10 days and investigation qua him has been completed. As per the FIR, there was no allegation against the petitioner and as per the complainant, her husband had died due to over dose of drugs which was administered by the other co-accused but later on the petitioner was nominated on the basis of disclosure that it was supplied by the petitioner but there is no allegation against the petitioner with regard to administering of any drug to the deceased person.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

20.07.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No