

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

CRM-M-38481-2022
Date of Decision:-**20.01.2023**

LASHKAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab
assisted ASI Jan Pal Singh.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.181 dated 14.11.2021 registered under Sections 302 IPC and Sections 21/27/29 of NDPS Act at Police Station Amargar District Malerkotla.

The counsel for the petitioner *inter alia* submits that as per the allegations appearing on the record co-accused Tejinder Singh gave overdose of drugs to deceased Pardeep Kumar son of the complainant as a result of which Pardeep Kumar died and the said drugs were procured by Tejinder Singh from co-accused Sheela who is already granted regular bail by the Co-ordinate Bench of this Court vide order dated 1.6.2022 (Annexure

P-2). The counsel for the petitioner further submits that there are also allegations that petitioner also used to supply drugs to Tejinder Singh and Pardeep Kumar but there are no specific allegations that on the day of occurrence any such drugs were provided to them by the petitioner or that the petitioner administered overdose of drugs to the deceased. So prayer is made that the petitioner who is in custody be released on regular bail.

The instant petition is opposed by the State counsel, who on instructions from ASI Jan Pal Singh has not disputed the fact that there are no allegations that on the day of occurrence some drugs were provided to Tejinder Singh or Pardeep Kumar by the petitioner. The State counsel further submits that as per prosecution version Tejinder Singh gave overdose of drugs to Pardeep Kumar and the same were procured by him on that day from co-accused Sheela Devi who has been given benefit of regular bail vide order Annexure P-2. The State counsel further submits that after completion of investigation the police has presented the challan but charges are yet to be framed.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner was arrested on 28.5.2022 and challan has been presented by the police but charges are yet to be framed and even after framing of charges it will take considerable time for the trial to conclude. The only allegations against the petitioner are that he used to provide drugs to Tejinder Singh and deceased Pardeep Kumar. However apparently there are no allegations that the overdose of drugs which resulted in death of Pardeep Kumar, was administered by the petitioner or that he

provided any such drugs to Tejinder Singh and Pardeep Kumar on the day of occurrence.

Therefore no purpose is going to be served by keeping the petitioner behind the bars for any longer period. In view of the above, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

20.01.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No