

2023:PHHC:114830

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

205-A

CRM-M-38570-2023 (O&M)

Date of Decision: 01.09.2023

MUKHTIAR SINGH

... 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 and 34 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 the petitioner has falsely been involved in the present case; that on the basis of the statement of Chand Singh (brother of the deceased), the above noted FIR had been registered against Mukhtiar Singh (the petitioner herein) and Surjit Singh; that it was only on the basis of an enquiry conducted by the complainant himself, the petitioner has been implicated in the present

case with an allegation that he had supplied the intoxicant substance to the deceased; that the petitioner has been in custody since 14.03.2023 i.e. for more than five and a half month; that the petitioner has no role to play in the alleged offence. He further submits that, as per the contents of the FIR, the deceased was a drug addict and that out of total 11 prosecution witnesses, only 1 has been examined so far. Still further, it is submitted that there is another case under the NDPS Act against the petitioner, in which the recovery was of a small quantity and the petitioner is on bail in the said case.

Learned counsel for the petitioner further submits that as to whether the petitioner had supplied the intoxicating substance to the deceased, is to be ascertained on the basis of the evidence to be led during the course of trial.

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, 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.

On the basis of an enquiry conducted by the complainant himself, the petitioner has been implicated in the present case. The only allegation against the petitioner is that he had supplied the intoxicant substance to the deceased. 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 14.03.2023 i.e. for more than five and a half month. In another case under the NDPS Act, the petitioner 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*