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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40320-2023

Date of Decision: 12.12.2023

Sukhraj Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Manvinder Singh Sidhu, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.15 dated 01.02.2023 registered under Sections 304, 34, 379, 411 of IPC, at Police Station Dakha, District Ludhiana.

2. The FIR in the present case was registered on the basis of the statement made by Balwinder Singh. As per him, his younger son Shanveer Singh was player of Kabaddi and went with Sukhraj Singh on his motorcycle. However, he did not come back and on inquiry from Sukhraj Singh, Sukhraj Singh disclosed that he and Shanveer Singh were habitual of taking drugs and they used to purchase it from Boota Singh. On that day, they had gone to Boota Singh for purchase of intoxicating substance (Chitta), who received Rs.800/- from them and took them to the house of Darshna. He handed over Rs.800/- to Darshna and Darshna took them to the house of Karmjeet Kaur, who took the money and handed over *Chitta* to Boota Singh and Darshna. They had handed

over one pouch to them and said that intoxicating substance was consumed by Shanveer and thereafter, he died.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case only on the basis of suspicion. In fact, Shanveer Singh, since deceased had died due to overdose of drug, which was consumed by him on his own. Even as per the admitted case of the prosecution, the petitioner as well as Shanveer Singh were drug addicts and the petitioner himself is also victim of drug supplied to him by Darshna Kaur @ Darsho, Karmjeet Kaur and Boota Singh. He further contends that Karmjeet Kaur has already been granted the concession of anticipatory bail by this Court vide order dated 01.06.2023 passed by this Court in CRM-M-28551-2023 and Darshna Kaur alias Darsho has been granted the concession of interim anticipatory bail by this Court vide order dated 06.07.2023. Learned counsel further contends that the petitioner is in custody since 01.02.2023. Even the charge has been framed against the present petitioner, in the present case, however, no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner.

5. I have heard the learned counsel for the parties and perused the record.

6. It is apparent from the record that in the present case, the petitioner is in custody since 01.02.2023 and the trial has not even formally commenced before the trial Court. Apart from that, co-accused Karmjeet Kaur has already been granted the concession of anticipatory bail by this Court vide order

Annexure P-2 and co-accused Darshna Kaur alias Darsho has been granted the interim anticipatory bail by this Court vide order Annexure P-3.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

12.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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