

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

228

2023:PHHC:114199

CRM-M-41836-2023

Date of decision: August 31st, 2023

Jagjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Ms. Jagdeep Kaur, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0122 dated 31.05.2022 under Sections 304, 34 of the IPC registered at Police Station City, Sri Muktsar Sahib.

Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to the allegations levelled in the FIR. He submits that a perusal of the same clearly reveals that totally vague allegations have been levelled against the petitioner, which by no stretch of imagination would invite the mischief of an offence under Section 304 of the IPC. He submits that the deceased was found lying dead in front of a temple with no injuries on his person. He submits that it was the admitted case of the complainant himself that his nephew i.e. the deceased Parminder Singh was a drug addict. Learned counsel submits that even as per the post-mortem report of the deceased, his death had occurred on account of overdose of drugs. Learned counsel submits that in the circumstances, it left no manner of doubt that a false and fabricated case had been planted upon the petitioner on mere suspicion by the

complainant. Learned counsel still further submits that similarly situated co-accused has since been extended the concession of bail by this Court vide order dated 01.02.2023 passed in CRM-M-52741-2022.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the cause of death as per the post-mortem report was overdose of drugs. He has also not been able to dispute that the case of the petitioner is at par with that of the co-accused, who has since been extended the concession of bail by this Court. Learned State counsel has submitted that though the challan was presented on 11.05.2023, however, charges have not been framed and are likely to be framed on the next date of hearing i.e. 12.09.2023.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 31.05.2022. The investigation is complete in the case in hand. There is no likelihood of the trial concluding in the near future as the charges have not yet been framed. In addition to that, as many as 22 prosecution witnesses have been cited.

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 31st, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No