

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-43440-2023

Date of decision: 06.09.2023

Norata Ram

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.S. Barnala, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Ms. Amarinder Kaur, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.30 dated 04.05.2023 under Section 304 read with Section 34 of the IPC registered at Police Station Rureke Kalan, District Barnala.

2. Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled, inter alia submits that it clearly comes across therein that both the deceased Dharbhinder Singh as well as the petitioner were well acquainted with each other and were apparently drug addicts. He submits that it had been categorically alleged in the FIR by the wife of the deceased that despite she and her family trying to stop the petitioner from coming to their house and taking her deceased husband, he had still been coming and meeting the deceased; and both the deceased and the petitioner had then

been consuming drugs together. He further submits that on the fateful day on 03.05.2023, it was stated that the petitioner had yet again come to the house of the deceased and despite the complainant and her father-in-law dissuading the deceased from accompanying the petitioner, he had still gone away. Thereafter the deceased was found lying dead by the side of the railway track. Learned counsel submits that even as per the post mortem report the deceased had died on account of overdose of drugs and no poison was detected in the viscera sent, hence, assuming for the same of arguments, though not conceded, that the petitioner had died on account of consumption of drugs it could not be said to have been a case of forcible administration of drugs as admittedly the deceased as well as the petitioner were both drug addicts and further no injuries were found on the person of the deceased which could have in any manner indicated that despite resistance being put up, the petitioner had still forcibly administered drugs to the deceased. It has been submitted that the petitioner has been in custody since 05.05.2023. Investigation is complete as challan stands presented, however, charges have not yet been framed. Hence, in the circumstances, further incarceration of the petitioner would not serve any useful purpose as the trial would take considerable time to conclude.

3. Per contra learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer and submissions made by learned counsel for the petitioner. They submit that the petitioner could be safely held responsible for the death of the deceased as it was he who had lured the deceased away from his house on the fateful day and thereafter he died on account of overdose of drugs.

4. Learned counsel for the complainant submits that had the petitioner not forcibly taken the deceased on the fateful day, the deceased would have been still alive.

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

6. The petitioner has been in custody since 05.05.2023. Admittedly, the deceased died due to drug overdose. Investigation in the case is complete as challan stands presented. Charges have not yet been framed and as many as 16 prosecution witnesses have been cited, therefore, trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, 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.

06.09.2023

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(MANJARI NEHRU KAUL)
JUDGE

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