

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-43564-2023

Date of Decision.:06.09.2023

Kulvir Singh @ Motta

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.S. Maini, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.138 dated 16.12.2022 registered under Sections 304/201/34 of the IPC registered at Police Station Badhni Kalan, District Moga.

Contention of learned counsel for the petitioner is that similarly placed co-accused Manjit Singh @ Mandeep Singh @ Deepa has already been allowed regular bail by this Court vide order dated 13.07.2023 in CRM-M-13157 of 2023.

As per allegations, Sarup Singh expired due to overdose of intoxicant. Prosecution alleges that intoxicant was got bought by the deceased from Kulvir Singh @ Motta (petitioner) and co-accused Manjit Singh @ Mandeep Singh @ Deepa as is referred in order dated 18.07.2023

passed by learned Additional Sessions Judge, Moga.

Notice of motion.

Mr. Parneet Singh Pandher, AAG, Punjab accepts notice on behalf of the respondent- State.

Learned State counsel does not dispute the fact that case of the petitioner- Kulvir Singh @ Mota is on parity with Manjit Singh @ Mandeep Singh @ Deepa who has already been allowed bail in CRM-M-13157-2023 decided on 13.07.2023.

While allowing the bail to Manjit Singh @ Mandeep Singh @ Deepa, it was observed as under:-

“By way of this petition filed under Section 439 Cr.P.C, petitioner has prayed for grant of regular bail in case FIR No.138 dated 16.12.2022 registered under Section 304 IPC and under Sections 34 and 201 IPC (added later on) at Police Station Badhni Kalan, District Moga.

As per allegations, Sarup Singh expired due to overdose of intoxicant. Role of the petitioner is that deceased and his friend Gurbhinder Singh had purchased the contraband from the petitioner as emerged in the interrogation of the co-accused Gurbhinder Singh.

As per custody certificate placed on record, petitioner is in custody for the last 06 months 13 days with no criminal antecedents.

Having regard to the role attributed to the petitioner, but without commenting anything further on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds and surety

bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.”

Custody certificate has been placed on record by learned State counsel, reveals that petitioner is in custody for the last 08 months and 10 days and has no criminal antecedents.

Having regard to the above facts and circumstances & on ground of parity, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

September 06, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No