

211 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44118-2023

Date of Decision:12.09.2023

Gaggu @ Sukhpal Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Additional Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No. 86 dated 15.05.2023, registered under Sections 304, 109, 34 of IPC and Section 29 of NDPS Act, 1985 at Police Station Lehra, District Sangrur.

2. The FIR in the present case was registered on the basis of the statement made by Rajveer Singh. As per the complainant, on 13.05.2023, his cousin Gurpreet Singh left home by saying that he was going to meet his friend. At about 5.00 p.m., when the complainant called up Gurpreet Singh, the call was attended by some unknown person and the said person informed that Gurpreet Singh was lying near Rajwaha. The complainant alongwith Balwinder Singh went at the spot and found Gurpreet Singh was lying on the ground and froth was coming out of his mouth. Gurpreet Singh was shifted to the hospital, but keeping in view the serious condition, he was referred to some Super

Speciality Hospital at Sangrur. Gurpreet Singh was taken to Sibia Hospital, Sangrur, where the doctor declared him to be dead. The complainant expressed the apprehension that Gurpreet Singh had died because of intake of some poisonous substance or heart attack. During the inquiry by the complainant, it was revealed that Gurpreet Singh was having friendly relations with Jaswant Singh alias Gaggi, who was a drug addict. On 13.05.2023, the call was made by Jaswant Singh and thereafter Gurpreet Singh had gone to Jaswant Singh alias Gaggi. As per the complainant, Jaswant Singh had bought drugs from Sukhvir Singh and Gaggu, accused and Jaswant Singh took his brother near Rajwaha and administered overdose of drugs to him. With these main allegations, the FIR in the present case was registered against the present petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and had no relation with Gurpreet Singh, since deceased. Even as per the admitted case of the prosecution, all the allegations were levelled against Jaswant Singh, main accused and it is not been alleged that the petitioner had played any active role in the commission of crime. Learned counsel further contends that he was arrested in the present case on 16.05.2023 and the challan has already been presented against him in the competent Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner has been specifically named in the present case and had played active role in the commission of crime.

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

6. As per the prosecution case, the petitioner was arrested in the

present case on 16.05.2023 and is in custody for the last more than 03 months. Further, the final report under Section 173 Cr.P.C. has already been presented against the present petitioner and the conclusion of the trial may take a long time. Apart from that, the prosecution has failed to bring on record any evidence to show that the petitioner may influence the witnesses of the prosecution or may flee from the process of justice.

7. 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.

12.09.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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