

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

235

CRM-M-44337-2023 (O&M)

Date of Decision: 13.09.2023

SONU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Hakam Singh, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.24 dated 12.03.2023, registered under Sections 304 and 34 IPC, at Police Station Koom Kalan, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the present FIR was registered on the statement of Chand Singh, who is the brother of deceased, namely, Bessa Singh; that the petitioner was not named in the FIR and has been indicted on the basis of the supplementary statement of the complainant; that in the FIR itself, it is stated by the complainant that his brother has died due to overdose of the Heroin and that the allegation against the petitioner is that he along with other co-accused have supplied the said Heroin to the deceased. He further submits that the

petitioner has been in custody since 14.03.2023; that out of total 11 prosecution witnesses, only 1 has been examined so far and that co-accused, namely, Mukhtiar Singh (specifically named in the FIR), Surjit Singh and Harjot Singh @ Jyoti (similarly situated co-accused), have been granted the concession of regular bail by this Court.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner along with the co-accused have supplied the intoxicant substance to Bessa Singh, consuming which Bessa Singh has died and that there is another NDPS case registered against the petitioner. He further submits that the material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.03.2023. The petitioner was not named in the FIR and was indicted on the supplementary statement of the complainant. Mukhtiar Singh (specifically named in the FIR), Surjit Singh and Harjot Singh @ Jyoti (similarly situated co-accused) have been enlarged on bail. As far as another case of NDPS Act is concerned, the recovery effected in the said case was non-commercial quantity and the petitioner is on bail. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.09.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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