

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48298-2022

Date of decision: 13.02.2023

Mukhpal Singh @ Mukha

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gaurav Atwal, Advocate, for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.146 dated 30.03.2022 under Sections 304, 328 IPC registered at Police Station City Mandi Dabwali, District Sirsa.

2. The brief facts of the case are that the statement of Kaur Singh son of Sand Singh was recorded to the effect that he had two sons and one daughter. His elder son-Daljit Singh @ Dalli was married. He was a drug addict. When he (complainant) came to know this fact, he tried to make him (deceased) understand and enquire about the intoxicants. Daljit Singh @ Dalli disclosed that Bhupinder Singh @ Bhinda, Raja Singh, Gagandeep Singh @ Ganja, Amar Singh, Happy Singh and Sikander Singh, all of them used to administer drugs to the drug-addicts with a syringe. Even he (deceased-Daljit Singh) was administered drug doses by them many times. Thereafter, he (complainant) and his family members requested the abovenamed persons not to administer drug doses to Daljit Singh (deceased) However, they did not mend their ways. On 29.03.2022, his (complainant's)

son left the house for taking the medicine but did not return back. On a search being conducted, it was discovered that Daljit Singh @ Dalli had died on account of over-dose of drugs and his body was found at General Hospital, Dabwali on 30.03.2022. His (complainant's) son had died due to heavy dose of drugs given by the aforementioned accused. The motor cycle of his son was missing and was also to be traced.

3. The learned counsel for the petitioner contends that the petitioner is not named in the FIR and no specific role has been attributed to him. His name has figured in the disclosure statement of his co-accused Amritpal Singh @ Amar Singh.

The co-accused of the petitioner, namely, Amritpal Singh @ Amar Singh has been granted the concession of regular bail by this Court vide order dated 24.08.2022. Two named co-accused, namely, Raja Singh and Bhupinder Singh @ Bhinda have been granted the concession of anticipatory bail by this Court vide orders dated 21.11.2022 passed in CRM-M-31785-2022 and 28.09.2022 passed in CRM-M-18731-2022 respectively. Two co-accused, namely, Maskin Singh and Amandeep Singh, who were named in the disclosure statement of accused-Amritpal Singh @ Amar Singh, have been granted bail vide orders dated 12.12.2022 passed in CRM-M-46843-2022 and 21.10.2022 passed in CRM-M-48217- 2022 respectively, Co-accused/Beant Kaur has been granted the concession of anticipatory bail vide order dated 21.11.2022 passed in CRM-M-35390-2022, Co-accused Charanjit Kaur and Gurpreet Kaur @ Kali, have been granted the concession of regular bail vide separate orders dated 30.01.2023 passed in CRM-M-53074-2022 and CRM-M-726-2023 respectively, Co-accused Sardool Singh has been granted the concession of regular bail vide Order dated 08.02.2023 in CRM-M-53956-2022. He, thus, contends

that as the co-accused of the petitioner have been granted the concession of either anticipatory bail or regular bail, the petitioner was also entitled to the same relief as he has been in custody since 19.05.2022 and none of the 16 prosecution witnesses had been examined so far.

4. The learned counsel for the State, on the other hand, on instructions from SI Kamal, contends that 04 empty syringes have been recovered from the petitioner. He is also an accused in one other case i.e. FIR No.321 dated 19.10.2019 under Sections 332, 333, 307, 353, 186, 147, 148, 149, 379-B, 224, 225, 342, & 427 IPC and u/s 25,55 & 59 of Arms Act at Police Station City Dabwali. Therefore, he did not deserve the concession of bail. He, however, does not dispute the fact that the co-accused of the petitioner have been granted the concession of either anticipatory bail or regular bail and some of them also have criminal antecedents.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is named in the disclosure statement of his co-accused-Amritpal Singh @ Amar Singh, who has been granted the concession of regular bail vide order dated 24.08.2022. The evidentiary value of the said disclosure statement shall be adjudicated upon during the course of the Trial. Some of the co-accused, who have been granted the concession of bail, also have other cases under the NDPS Act/IPC registered against them. The petitioner is in custody since 19.05.2022 and none of the 16 prosecution witnesses have been examined so far. As such, his further incarceration is not required.

7. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Mukhpal Singh @ Mukha, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case other than referred to in this order.

9. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

February 13, 2023
Kusum

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