

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

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**CRM M-46346 of 2023
Date of Decision: 20.09.2023**

Nirmal Singh @ Nimma

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Tanvir Joshi, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 155 dated 08.11.2022 under Section 304, 34 IPC registered at Police Station Cantt. Bathinda, District Bathinda, Punjab.

2. The FIR in the instant case was got registered by Major Singh son of Sadhu Singh. It is averred that his son Maninder Singh was aged about 25 years and was married with Sumanpreet Kaur around 10 months ago. On 07.11.2022, at about 7.30 p.m., Amritpal Singh @ Amriti and the petitioner, namely, Nirmal Singh @ Nima came to their house and called his son Maninder Singh and took him away with them. His son had left his home by saying that he would come back after some time. At around 08.00 p.m., Amritpal Singh @ Amriti and Nirmal Singh, petitioner came back to their house and told him

that Maninder Singh got suffered fits at Amritpal Singh's house and had become unconscious. On this, the complainant alongwith family members went at the spot and found that his son had already passed away. With these broad averments, the FIR in the present case was registered against the petitioner and Nirmal Singh.

3. Learned counsel for the petitioner contends that the petitioner had not caused any injury to Maninder Singh, since deceased. He contends that Maninder Singh was a drug addict and had died due to overdose of drugs. Even, it was established during the course of postmortem that there was no injury on the person of the deceased and as per the opinion of the doctors, the deceased had died after consuming Ethyl alcohol and Morphine in excess.

4. The learned State counsel has opposed the present petition by submitting that the petitioner has been specifically named in the FIR and serious allegations have been levelled against him.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the record it is evident that similarly placed co-accused Amritpal Singh @ Amriti has already been granted the concession of bail by this Court vide order dated 13.07.2023 (Annexure P-2) passed by this Court. Still further, the petitioner was arrested in the present case on 16.03.2023 and is in custody since then. In the present case, the challan has already been presented and

the trial may take quite a long time. Thus, taking into account the submissions made by the learned counsel for the petitioner and also the fact that the similarly placed co-accused Amritpal Singh @ Amriti has already been released by him vide Annexure P-2, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

20.09.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No