

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRM-M-47684-2023
Date of decision: 06.11.2023

Kala Singh alias Kalu alias Nirbhai SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Kumar Bansal, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. Hitesh Verma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0030 dated 04.05.2023 under Section 304 read with Section 34 of the IPC registered at Police Station Rureke Kalan, District Barnala.

2. Learned counsel for the petitioner submits that as per the post mortem report the deceased had died on account of overdose of drugs and no poison was detected in the viscera sent, hence, assuming for the same of arguments, though not conceded, that the deceased had died on account of consumption of drugs, it could not be said to have been a case of forcible administration of drugs as admittedly the deceased as well as the petitioner were both drug addicts and further no

injuries were found on the person of the deceased which could have in any manner indicated that despite resistance being put up, the petitioner had still forcibly administered drugs to the deceased. It has been submitted that the petitioner has been in custody since 21.05.2023. Investigation is complete as challan stands presented, however, charges have not yet been framed. Hence, in the circumstances, further incarceration of the petitioner would not serve any useful purpose as the trial would take considerable time to conclude.

3. Per contra learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer and submissions made by learned counsel for the petitioner. They submit that the petitioner could be safely held responsible for the death of the deceased as it was he who had lured the deceased away from his house on the fateful day and thereafter he died on account of overdose of drugs.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 21.05.2023. Admittedly, the deceased died due to drug overdose. Investigation in the case is complete as challan stands presented. Charges have not yet been framed and as many as 16 prosecution witnesses have been cited, therefore, trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it

is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.11.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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