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

**CRM-M-51078-2022 (O&M)
Date of Decision: 20.04.2023**

Sukhwinder Singh @ Swinder

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

CRM-16450-2023

The present application is filed for placing on record
Annexure A-1.

For the reasons mentioned in the application, the same is
allowed and Annexure A-1 is taken on record, subject to all just exceptions.

CRM-M-12646-2023

Prayer in the present petition, filed under Section 439 of the
Code of Criminal Procedure, is for grant of regular bail to the petitioner in
case FIR No.34 dated 10.07.2022, under Section 304 of the Indian Penal
Code, 1860, at Police Station Jaurkian, District Mansa.

2. Status report by way of an affidavit of Gobinder
Singh, PPS, Deputy Superintendent of Police, Sub-Division

Sardulgarh, District Mansa, on behalf of the respondent/State of Punjab has been filed in this case which is already on record.

3. Custody certificate dated 19.04.2023 of the petitioner is filed by the learned State counsel in Court today and the same is taken on record, subject to all just exceptions.

4. Succinctly, the present FIR has been registered on the basis of statement of one Husanpreet Kaur @ Gurdeep Kaur w/o Harjit Singh, wherein it is alleged that on 01.07.2022, at about 10:00 A.M., Harjit Singh (complainant's husband) was taken away from home by Sukhwinder Singh @ Swinder s/o Jagroop Singh and Gagandeep Singh @ Gagan s/o Baldev Singh. Both Sukhwinder Singh and Gagandeep Singh consumed drugs and also gave an over dose of drugs to complainant's husband (Harjit Singh), thereafter, due to an over dose of drugs Harjit Singh became unconscious and Sukhwinder Singh and Gagandeep Singh took him and left him on the passage of their village drain. It is further alleged that one Ranjit Singh @ Motha s/o Major Singh and another came by Harjit Singh and after found him lying in an unconscious condition, took him to Dr. Balkaur Singh of village Jherianwali, from where he was taken to Mansa Heart and Multi Speciality Hospital. On 07.07.2022, Harjit Singh was referred to DMC, Ludhiana and after two days on 09.07.2022, Harjit Singh was declared dead. Accordingly, the present FIR was registered.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case as no overt act has been attributed to the petitioner and there was no injury on the body of deceased. It is submitted that the deceased was admittedly a drug addict and he died due to drug overdose. It is further submitted that the petitioner has been in

custody since 14.07.2022, investigation of this case is complete, challan has already been presented on 15.10.2022 and even charges have already been framed on 31.01.2023. It is stated that out of 19 witnesses, no one has been examined till date and the trial would take some time and the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

6. Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence and also submits that the petitioner is involved in one other case, however, it is not disputed that the deceased died of drug overdose and the petitioner has been in custody for nine months and nine days (as on 19.04.2023), challan has already been presented and charges have been framed. It is conceded that out of total 19 witnesses no one has been examined till date. It is also not disputed that in other case FIR No.31, petitioner is already on bail (Annexure A-1).

7. I have heard learned counsel for the parties and perused the paper book, status report as well as custody certificate filed by learned State counsel, in Court today.

8. In this case, as per Status Report, the cause of death of Harjit Singh (deceased) is Morphine overdose. The petitioner has been in custody for more than nine months; challan has already been presented and charges have already been framed. Concededly, out of total 19 witnesses, no one has been examined. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars for indefinite period.

9. Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail

subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity, during the pendency of the trial.

10. The petitioner shall appear before the police station concerned on first Monday of every month till the conclusion of the trial.

11. In addition, the petitioner (or any one on his behalf) shall prepare an FDR in the sum of Rs.30,000/- 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.

12. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

13. The petition is accordingly disposed of.

20.04.2023*Himani***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned	:	Yes/No
2. Whether reportable	:	Yes/No