

CRM-M-55369-2022

Date of decision: 06.02.2023

GURPREET SINGH @ PITI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Lakhwinder Singh Dandiwal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Gurpreet Singh @ Piti-petitioner is seeking regular bail in the case bearing FIR No.229 dated 15.09.2022 under Section 304 IPC and Section 27 of NDPS Act, registered at Police Station Sadar Mansa, District Mansa.

Briefly, the FIR has been registered on the basis of the statement of Ajaib Singh alleging that the deceased aged about 30 years was his son. The deceased was a drug addict. On 14.09.2022, the deceased left the house and did not return back. The dead body was found in the fields at village Kot Lalu. Satnam Singh @ Satti intentionally gave higher dose of intoxicant substance to the deceased, which resulted in his death.

Learned counsel for the petitioner contends that the name of the petitioner does not find mention in the FIR and he has been nominated in the supplementary statement of the complainant alleging that Satnam Singh @ Satti, co-accused had been indulging in the business of sale of drugs in complexity with the petitioner. The petitioner is in custody for a period of 04 months and 13 days.

Though, the petitioner is involved in two other cases i.e. one under Punjab Excise Act and another one under NDPS Act but he is on bail in both the cases. It has

been further submitted that the medical opinion is to the effect that it was not a case of unnatural death.

Learned State counsel has opposed the bail application on the score that the name of the petitioner has emerged in the supplementary statement of the complainant and after the arrest, the petitioner was subjected to dope test which resulted positive for morphine.

It has not been disputed by the learned State counsel that the viscera was sent to chemical examiner and no poison was detected. The cause of death in the instant case could not be ascertained and there was not any unnatural cause according to the reports. No recovery of contraband has been effected from the petitioner in the instant case. The investigation of the case is complete and challan has been presented in the Court.

The petitioner is in custody for a period of 04 months and 13 days and the conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

06.02.2023
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(VIVEK PURI)
JUDGE

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