

(213) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55597-2022 (O&M)
Date of Decision: 10.02.2023

PARMINDER SINGH @ PINDI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Ms. Navreet Kaur Barnala, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.45 dated 01.07.2021 (Annexure P-1) registered under Section 302 IPC, 1860 and Sections 21, 27, 29 NDPS Act, 1985 at Police Station Barnala, District Barnala.

2. The brief facts of the case are that the complainant-Karamjit Singh got recorded his statement with the police that on 30.04.2022 his son Navneet Singh (deceased) had gone for his work at Vikas Combine Factory. At about 04.00 PM Navneet Singh informed the complainant through phone that he would get late due to work. When Navneet Singh did not return to his house till night then he (complainant) went to the factory and enquired about him. The employee of the factory informed him that at about 04.00 PM, he (deceased) went back from his duty by saying that he has some urgent work at home. Whereas Navneet Singh had not returned back to his house. He (complainant) informed the police regarding the missing of his son and he

also started searching for his son at his own level then. Then, he came to know that Parminder Singh @ Pindi (petitioner) son of Chamkaur Singh resident of Dulmasar Kothe Maur Nabha had taken the said Navneet Singh on his motorcycle from the factory. After that the dead body of Navneet Singh was found from a drain situated at Patti Sekhwan Road. The complainant further stated that said Parminder Singh had committed the murder of Navneet Singh by taking him from the factory and then administering some intoxicant substance to Navneet Singh after giving beatings to him.

The petitioner was arrested on 07.05.2022 and got recovered a motorcycle bearing No.PB32Q4339 allegedly used by him in the occurrence.

On 09.05.2022, the petitioner got recorded his statement to the effect that on 30.04.2022, he along with Navneet Singh (deceased) had brought heroin from Paramjit Kaur and Mamta @ Pooja. Thereafter, the petitioner injected the same to himself and then to Navneet Singh (deceased). After that, the injection was thrown in the drain.

On the said disclosure statement of the petitioner, Paramjit Kaur and Mamta @ Pooja came to be nominated as accused and offences under Sections 27/29/61/85 of NDPS Act were added.

Pursuant thereto, Mamta @ Pooja and Paramjit Kaur came to be arrested along with 10 gms of heroin and Rs.90,000/- cash.

3. The learned counsel for the petitioner contends that there is absolutely no evidence that the petitioner administered any intoxicating substance/injection to the deceased or gave beatings to him. As per the medical opinion, the cause of death of Navneet Singh was asphyxia and not physical violence or a drug overdose. Since the petitioner was in custody

since 09.05.2022 and none of the 23 prosecution witnesses had been examined so far, the petitioner was entitled to the grant of regular bail, when his co-accused Mamta @ Pooja had been granted the similar concession vide order dated 21.10.2022 (Annexure P-2) passed in CRM-M-33978-2022. Even otherwise, in the two other cases registered him, he had been granted the concession of bail vide orders dated 08.05.2019 and 19.09.2022. The copy of the said orders are marked as A & B.

4. A status report dated 09.02.2023 by way of an affidavit of Satvir Singh, PPS, Deputy Superintendent of Police (SD), Barnala has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. She contends that the serious nature of the allegations against the petitioner do not entitle him to the grant of regular bail. She, however, does not deny the fact that the cause of death was asphyxia, the co-accused has been granted the concession of bail and in the two other cases registered against the petitioner, he has been granted the concession of bail.

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

6. The veracity of the prosecution case against the petitioner shall be established during the course of Trial. The petitioner has been in custody since 09.05.2022 and none of the 23 prosecution witnesses has been examined so far. His co-accused Mamta @ Pooja has been granted the concession of bail vide order 21.10.2022 (Annexure P-2). In the two other cases registered against him, the petitioner has been granted the concession of bail. Since, the Trial of the present case is not likely to be concluded in the near future, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Parminder Singh son of Chamkaur Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

10.02.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No