

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-59009-2022 (O&M)

Date of decision : 7.2.2023

Balbir Kaur alias Guddo

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.109 dated 21.5.2022 registered under Sections 304 IPC at Police Station City Kapurthala, District Kapurthala.

The allegations in nutshell are that deceased-Mandeep Singh was a drug addict and he used to get drugs from co-accused Ajay Plumber and Sahbi and even on the day of occurrence, the deceased told his father (complainant) that he is going to take drugs from aforesaid Ajay Plumber and Sahbi and thereafter, the dead body of Mandeep Singh was found lying in the bathroom of his house. As per report of FSL, Mandeep Singh died due to overdose of drugs.

On the last date of hearing, detailed order was passed whereby the petitioner was granted interim bail with direction to join the investigation.

Today, counsel for the petitioner has submitted that in the instant case, there are no allegations that on the day of occurrence, the deceased approached the petitioner to get drugs or that the petitioner forcibly administered some drug to the deceased which resulted in his death. He further submits that in light of the previous order of interim bail, the petitioner, who is a lady aged about 30 years, has joined the investigation with the police.

State counsel on instructions from ASI Rajwinder Singh has admitted that the petitioner joined the investigation with the police and further submits that the report of FSL has been received, as per which, Mandeep Singh died due to overdose of drugs and further, the petitioner is not required by the police for further investigation or custodial interrogation.

In the present case, there are no allegations that on the day of occurrence, the petitioner provided drugs to Mandeep Singh or that she forcibly gave overdose of drugs to the petitioner which resulted in his death. Thus, no purpose is going to be served even if the petitioner is subjected to custodial interrogation at this point of time.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 19.12.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

February 7, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No