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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58037-2023 (O&M)

Date of Decision: 22.11.2023

Pindi @ Parvinder Singh @ Parminder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.S. Sekhon, Advocate, for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 38 dated 10.05.2022, under Sections 302 and 120-B IPC (Sections 3(2) (v) of SC and ST (Prevention of Atrocities) Act, 1989 was added later on vide DDR No. 26 dated 07.07.2022), registered at Police Station Lakhewali, District Sri Suktsar Sahib.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for more than 1 ½ years and charges in the present case were framed on 25.01.2023 but no prosecution witness has been examined till date. He further submitted that no direct role has been attributed to the petitioner and the FIR was lodged by one Sukhjinder Singh while alleging that his son has got some relationship with a girl, namely,

Peenu Kaur and the son of the complainant was found dead due to administering of some poisonous substance but as per the viscera report, Morphine was found from which it can be seen that the deceased was a drug addict and he was under the influence of drug and in fact it was a case of drug over dose. He further submitted that the petitioner is neither the relative of the aforesaid Peenu Kaur nor he is associated with the offence in any manner. He also brought to the notice to this Court that the other co-accused namely, Harjeet Kaur has been granted bail by this Court vide Annexure P-6 and thereafter, one more co-accused who was rather relative of the aforesaid Peenu Kaur, namely, Mandeep Singh @ Manav has also been extended the benefit of regular bail by this Court on 07.11.2023 in CRM-M-53331-2023 and the petitioner is rather at a better footing than the aforesaid co-accused who has been extended the benefit of bail and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab has submitted that the custody of the petitioner is not in dispute and it is also not in dispute that the petitioner is not the relative of the aforesaid Peenu Kaur. The parity of the petitioner with the other co-accused is also not denied by the learned State counsel. He has however submitted that the petitioner is involved in two more cases under the NDPS Act.

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

5. It is a case where the petitioner is in custody for 1 ½ years and as per the learned counsel for the State, no prosecution witness has been examined till date. The other two co-accused as aforesaid have been extended the benefit of regular bail by this Court and this Court is of the view that the petitioner is also at parity with the aforesaid two co-accused.

However, pendency of two cases of NDPS Act against the petitioner cannot become a ground for denial of bail to the petitioner. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

22.11.2023

rakesh

Whether speaking : Yes/No

Whether reportable : Yes/No

(JASGURPREET SINGH PURI)

JUDGE