

232

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57803-2023

Date of Decision: 22.11.2023

Baljit Singh @ Gagga

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nirmaljeet Singh Sidhu, Advocate,
for the petitioner.

Mr. G.S. Sidhu, AAG, 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 case bearing FIR No.130 dated 19.08.2023, under Section 304 IPC (Sections 27/61/85 of the NDPS Act added later on), registered at Police Station Dyalpura, District Bathinda.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 2 months and 11 days and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He further submitted that as per the allegation, the son of the complainant had died and it is not in dispute that he was an addicted person and in fact he had died due to overdose of drugs. He also submitted that the similarly situated co-accused, namely, Tarsem Singh

CRM-M-57803-2023

Sema @ Jograj and Bhema Singh @ Bhema Singh have already been granted interim anticipatory bail by this Court vide Annexures P-4 & P-5. He submitted that no recovery is to be effected from the petitioner and the trial of the case may take long time and the investigation of the case has already been completed, and therefore, has prayed that the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned Assistant Advocate General, Punjab, stated that it is correct that the petitioner is in custody from 2 months and 11 days and the challan has already been presented before the competent Court.

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

5. The present is a case where the allegations are that the son of the complainant had died due to the overdose of drugs and two of the similarly situated co-accused have already been granted interim anticipatory bail by this Court vide Annexures P-4 & P-5. The investigation of the case has already been completed and the trial of the case may take long time. Furthermore, it is neither 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 abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not

required in any other case.

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

22.11.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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