

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2024:PHHC:060843
CRM-M-5105-2024
Date of Decision: May 02, 2024**

Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Hitesh Chopra, Advocate for the petitioner.
(Through Video Conferencing).

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.243 dated 16.08.2023, under Sections 304, 379 and 34 of IPC, besides Section 21 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred as 'the NDPS Act'), registered at Police Station Civil Lines Batala, District Gurdaspur.

2. Status report by way of affidavit of Shri Azad Davinder Singh, Deputy Superintendent of Police, Sub Division City Batala, Police District Batala, alongwith custody certificate has been filed on behalf of the respondent-State.

3. As per the prosecution allegations on 29.07.2023, Gurpreet Singh (deceased) left home on his motorcycle, taking alongwith him mobile phone, ATM card and PAN card etc. He did not return till night. On 30.07.2023, his dead body was found. FIR was lodged by Chaman Lal, the father of the deceased, alleging therein that he had come to know that his son had been taken to a secluded place by Sunny (petitioner) and Lovejit Singh,

who had given over dose of intoxicating injection, i.e. heroin to him, due to which his son had died.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that though the occurrence took place on 29.07.2023, but the matter was reported to the police on 16.08.2023, i.e. after a delay of 18 days without any explanation, which indicates that a false story has been concocted. Learned counsel contends further that co-accused Lovejit Singh @ Nirvair Singh has already been granted the benefit of anticipatory bail by this Court, vide order dated 14.12.2023 passed in CRM-M-50140-2023. Learned counsel contends that petitioner is in custody for the last more than 08 months; that the trial may take long time to conclude and so he be allowed bail.

5. Learned State counsel has opposed the bail petition by submitting that the name of the petitioner has surfaced during investigation, who alongwith co-accused Lovejit Singh @ Nirvair Singh had given over dose of intoxicating substance to Gurpreet Singh, resulting in his death. It is further submitted that during investigation, mobile phone of the deceased was recovered from the possession of the petitioner.

6. Heard.

7. Co-accused, namely, Lovejit Singh @ Nirvair Singh has already been allowed anticipatory bail. The petitioner is in custody for the last 08 months and 16 days, as per the custody certificate. After completion of investigation, challan has already been filed on 15.10.2023 and charges were framed on 24.04.2024. There are 21 witnesses cited by the prosecution, as per the status report, but not even a single witness has been examined so far.

Thus, the trial is likely to take long time to conclude. It is not the allegation of the prosecution that the deceased was given over dose of the intoxicating substance forcefully.

8. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

May 02, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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