



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-4826-2024
Date of Decision: 24.07.2024

RAVI SINGH @ ARMAN

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Mikhail Kad, Advocate for the petitioner.
Mr. Eklavya Darsi, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No. 244 dated 06.10.2022, under Section 304 IPC 1860 later on added Section 22 (Act No.61) of NDPS Act, 1985, registered at Police Station Sadar Nabha and District Patiala.

2. This is a second petition. The earlier petition bearing CRM-M No.9117-2023 was dismissed as withdrawn by this Court vide a common order dated 18.10.2023 (Annexure P-5).

3. The FIR was lodged on the statement of Amandeep Kaur as per which her son Gurbakshish Singh had left home on 05.10.2022. Later on, he was found in unconscious condition lying in his car. On taking to the hospital, he expired. Initial statement was that he died a natural death. On next day, statement was made by the complainant to the effect that she had come to know that deceased had been made to consume some intoxicating substance. Major Singh was named to be the person responsible for giving

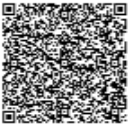


the intoxicant. The name of the petitioner surfaced in the disclosure statement of the co-accused to be the supplier of the heroin worth ₹1000/- to the deceased. Petitioner was arrested and from his possession 240 intoxicating capsules of Proxywel Spas were recovered.

4. It is contended by learned counsel for the petitioner that he has been falsely implicated simply on the basis of disclosure statement; that there is no allegation that petitioner made the deceased to consume the intoxicating tablets forcibly; that recovery of 240 intoxicating capsules have been planted upon him. It is further contended that even if the said recovery is assumed as such at this stage, the recovery is of non-commercial category.

5. Although status report has not been filed by the State despite opportunity granted to them but it is informed by learned State counsel that the substance in intoxicating capsules was found to be Tramadol Hydrochloride and as per the FSL report, copy of which has been placed on record weight of each capsule was 523 grams, which means that total weight of 240 capsules was 125.52 grams which falls in the non commercial category since the commercial starts from 252 grams.

6. Apart from above, the custody certificate placed on record would reveal that the petitioner is in custody for the last 01 year, 09 months and 12 days, though he is involved in two more cases pertaining to the NDPS Act. It is further informed by learned State counsel that out of 17 witnesses cited by the prosecution, not even a single witness has been examined so far. Thus trial is likely to take long time to conclude and so, no purpose shall be served by keeping the petitioner detained.



7. Having regard to the aforesaid facts and circumstances, particularly custody period of the petitioner, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

24.07.2024
pry

(DEEPAK GUPTA)
JUDGE

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