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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9397-2024
Date of Decision: 04.04.2024

Sandeep Singh @ Ranjha Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

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

HARSH BUNGER J. (ORAL)

1. Petitioner (Sandeep Singh @ Ranjha) has filed the present petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the petitioner in case FIR No.130, dated 19.08.2023, under Section 304 of the Indian Penal Code, 1860 (Section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 was added later on), registered at Police Station Dyalpura, District Bathinda, Punjab (Annexure P-1).
2. Succinctly, the abovesaid case FIR has been registered on the basis of the statement of one Satpal Singh @ Satti (complainant), wherein it is alleged that on 18.08.2023, at around 10:00 P.M., son of the complainant namely Iqbal Singh @ Guggu was taken by the petitioner and other

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co-accused persons namely Buta Khan, Tarsem Singh Sema @ Jograj, Bhem Singh @ Bhema Singh, Baljit Singh @ Gagga, Lovepreet Singh @ Labbi Singh and Nikka from the house of the complainant and on 19.08.2023 at around 4:00 A.M., Iqbal Singh @ Guggu (son of the complainant) was left at his home by the present petitioner (Sandeep Singh @ Ranjha) in an unconscious state and marks of injection were found on the arms of Iqbal Singh @ Guggu (son of the complainant). Thereafter, when doctor came and checked Iqbal Singh (son of the complainant) he was found dead. It is alleged by the complainant that the accused persons gave narcotic injections to his son-Iqbal Singh @ Guggu. Accordingly, the aforesaid FIR was registered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted by learned counsel for the petitioner that the petitioner never instigated Iqbal Singh to consume the intoxicant substance. It is further submitted that co-accused, namely Bhem Singh @ Bhema Singh and Tarsem Singh Sema @ Jograj have already been granted the concession of anticipatory bail in this case by a Co-ordinate Bench of this Court, vide separate judgments dated 11.01.2024 and 15.01.2024 (Annexures P-4 and P-5) passed in **CRM-M-48913-2023** and **CRM-M-45751-2023**, respectively. It is further submitted that other co-accused, namely Baljit Singh @ Gagga, Lovepreet Singh @ Labbi Singh and Buta Khan have already been granted the concession of regular bail in this case by a Co-ordinate Bench of this Court, vide separate judgments dated 22.11.2023, 05.01.2024 and 10.01.2024 (Annexures P-6, P-7 and P-3) passed in **CRM-M-57803-2023**,

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CRM-M-62754-2023 and **CRM-M-58996-2023** respectively. Learned counsel for the petitioner submits that one co-accused, namely Omerdeen Khan @ Umar has also been granted the concession of regular bail by learned Additional Sessions Judge, Bathinda vide order dated 11.10.2023 (Annexure P-8). It is also submitted that the petitioner is similarly circumstanced in this case as other co-accused, who have already been granted the concession of bail. Learned counsel submits that the petitioner is not involved in any other case. It is contended by learned counsel for the petitioner that the bail application under Section 439 of the Code of Criminal Procedure, filed on behalf of the petitioner seeking grant of regular bail before learned Additional Sessions Judge, Bathinda has been wrongly declined vide order dated 11.10.2023 (Annexure P-2).

4. Learned counsel for the petitioner submits that the petitioner is in custody since 19.08.2023; challan stands presented and even charges have been framed on 22.02.2024. Hence, the conclusion of trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars. It is submitted that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

5. Notice of motion.

6. Mr. Japjot Singh, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent/State and opposes the plea of petitioner for grant of regular bail by submitting that the petitioner was the person, who had left Iqbal Singh (son of the complainant) at his home in an unconscious state, however, it is not disputed by learned State counsel that

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challan stands presented, charges have been framed on 22.02.2024 and also that the petitioner is in custody since 19.08.2023 in this case. It is also not disputed by learned State counsel that the other co-accused namely Buta Khan, Tarsem Singh Sema @ Jograj, Bhem Singh @ Bhema Singh, Baljit Singh @ Gagga, Lovepreet Singh @ Labbi Singh and Omerdeen Khan @ Umar have already been granted the concession of bail. Learned State counsel further states that there is an apprehension that in the event of bail, the petitioner may abscond to delay the fair trial. Accordingly, prayer has been made for dismissal of the present petition.

7. I have heard learned counsel for the parties and perused the paper book.

8. In the instant case, the petitioner is in custody for a period of more than seven months, challan stands presented; and charges have been framed on 22.02.2024, therefore, trial in this case is likely to take some time to conclude and other co-accused have already been granted the concession of bail.

9. So far as the apprehension expressed by learned State counsel that the petitioner may abscond in order to delay the trial, suffice it to state that in the event of any such conduct, the prosecution can always approach the competent Court for cancellation of bail. Accordingly, it is observed that the State/Prosecuting Agency/State police shall be at liberty to observe the behaviour of the petitioner during the bail period, and in case it feels that the petitioner is indulging in influencing any of the witnesses or tampering with the prosecution evidence in any manner or otherwise causing interference with the progress of trial, it shall be open for the State/Prosecuting

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Agency/State police to move to the trial Court for cancellation of the bail, which shall be decided by the trial Court on merits.

10. In view of the above discussion, present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

11. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

12. The petition is accordingly disposed of.

13. All pending application(s), if any, shall also stand closed.

04.04.2024
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(HARSH BUNGER)
JUDGE

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