



226 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23620-2024
Date of decision: 11th July, 2024

Paras Sahni

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ranjeet Singh, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
97	18.05.2023	Sadar. Ludhiana	304 of IPC, 1860

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Jaspal Kaur alleging therein that her son Monu @ Monu Baba aged about thirty years used to remain at home. He used to take drugs and was under treatment of some doctor and was taking medicine for de-addiction. On 17.05.2023, at about 12:00 PM, Sukhwinder Singh @ Bunty, who was also a drug addict and used to visit their house, called her son and took him outside with him. She alleged that the petitioner,

Rajesh Kumar @ Pintu, Akash, Rajan Dhuria and Gurpreet Singh @ Goldy



who were also drug addicts, provoked her son to take some intoxicant. Her son did not reach home till night and when she asked whereabouts of her son from accused Sukhwinder Singh @ Bunty, he could not give any satisfactory answer. On the next day, the dead body of her son was found lying near by-pass. She alleged that the petitioner in-conivance with the co-accused had intentionally given some intoxicating substance to her son resulting into his death. After registration of FIR, investigation proceedings were initiated. Post mortem examination of dead body of the victim was conducted. Inquest proceedings were also conducted. The petitioner was arrested. Investigation has since been completed and challan stands presented in the Court. The petitioner had moved an application for grant of bail before the Court of learned Additional Sessions Judge, Ludhiana which was dismissed vide order dated 01.05.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. No recovery has been effected from him. He is in custody for more than six months. Even as per the allegations in the FIR, he was not the person who has taken the victim along with him on the fateful day. He was not present at the spot wherein the alleged occurrence of causing death of the victim had occurred. He himself is a drug addict and has been admitted in rehabilitation centres number of times. His parents keep vigil upon him and he is not allowed to go outside from his home alone. The victim probably took overdose of some drug which resulted into his death but neither drugs could be administered to him under force nor there is any material on record



to show that the petitioner was instrumental in the same. The co-accused whose case is on similar footing, have since been extending benefit of bail. Therefore, it is argued that on the ground of parity, he too deserves to be extended benefit of bail.

4. Custody certificate has been filed by respondent-State, as per which, the petitioner has spent a period of more than five months in custody.

5. *Per contra*, learned State counsel has argued that the petitioner is a man of criminal antecedents as three cases two of which are under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') pending against him. While admitting that the co-accused Rajesh Kumar, Akash and Sukhwinder Singh had been extended benefit of bail, it is argued by him that the period of incarceration of these accused was more than the period spent by the petitioner in custody. He allegedly allured the victim to consume intoxicating substance which led to loss of his life. The allegations against him are serious and grave in nature. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner has placed on record copies of orders passed by Co-ordinate Bench of this in CRM-M-61533-2023 titled as '**Akash Vs. State of Punjab**' decided on 06.05.2024, CRM-M-64880-2023 titled as '**Rajesh Kumar @ Pintu Vs. State of Punjab**' decided on 06.05.2024 and CRM-M-16152-2024 titled as '**Sukhwinder Singh @ Bunty Vs. State of Punjab**'



decided on 06.05.2024, showing that the co-accused whose case is on similar footing have been extended benefit of bail. The trial is likely to take time in this case as so far as, no witness has been examined. The petitioner is behind bars from last about six months. As submitted by learned State counsel, the cause of death of victim was overdose of morphine. The complainant is not an eye-witness to the factum of administration of intoxicant to her son by the petitioner. The petitioner himself is a drug addict. His involvement in other criminal cases cannot be considered a ground to reject his plea for grant of bail. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, I allow this petition and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th July, 2024
Parveen Sharma

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