

212 (3rd case)

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

**CRM-M-25904-2024 (O&M)
Date of decision: 28.08.2024**

Jagjit Singh @ Karan @ Plat

...Petitioner

Versus

State of Punjab

...Respondent

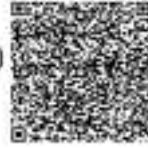
CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Zorawar Singh Chauhan, Advocate for the petitioner.

Mr. T.P.S.Walia, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.29 dated 13.02.2023, under Section 304 of the Indian Penal Code, 1860 (Sections 21, 21-b & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 & Section 120-B IPC added later on), registered at Police Station Phillaur, District Jalandhar Rural.



(2) Above FIR was registered on the basis of complaint made by Kiran with the allegations that her son-Vishu was addicted to drugs and on 12.02.2023, co-accused Chitu negligently administered overdose of drugs/injection and due to which, he died on 12.02.2023. Petitioner was nominated as an accused on the basis of disclosure made by co-accused alleging that he supplied the *Heroin* to other co-accused and they used to inject the same to each other.

(3) Learned Counsel for the petitioner contends that in compliance of the order dated 28.05.2024, petitioner is regularly appearing before learned Special Court and there is no apprehension or allegation that he is likely to misuse the concession in any manner.

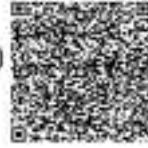
(4) Learned State Counsel, on instructions, has acknowledged the above factual position; but opposed the prayer of petitioner.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was not named in the FIR; rather nominated on the basis of disclosure made by co-accused. Concededly, no contraband was recovered from the petitioner during investigation; nor he was apprehended on the spot. Also noteworthy that there is no other criminal case pending against the petitioner.

(7) This Court, on 28.05.2024, granted interim bail to the petitioner in following manner:-

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“Contends that petitioner is in custody since 09.08.2023; challan against petitioner has been presented on 18.05.2023, but charges are yet to be considered. Also contends that he has been nominated on the basis of disclosure made by co-accused, namely, Sukhjit Singh and there is no criminal case pending against the petitioner.

Learned State counsel seeks time to verify the above factual position.

Posted for 28.08.2024.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

To be heard alongwith CRM-M-14063-2024 on the date already fixed.”

(8) In pursuance of the aforesaid order, petitioner is regularly appearing before learned Special Court and there is no allegation or apprehension that he has misused the concession or likely to hamper the trial in any manner.

(9) In view of the above, no purpose would be served by sending the petitioner in custody at this stage. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 28.05.2024, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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- (10) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (11) The above observations may not be construed as an expression of opinion on the merits of the case.
- (12) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (13) Disposed off accordingly.
- Pending application(s), if any, shall also stand disposed off.

28th August, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No