



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35813-2024
Date of Decision:01.08.2024

Nikka Singh ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

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

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C with a prayer to grant regular bail to him in case FIR No. 149 dated 02.09.2023, registered under Sections 304,34 of IPC, Police Station City Kot-Kapura, Faridkot (Annexure P-1).
2. Learned counsel for the petitioner contends that the FIR in the present case was registered on the basis of the statement made by Kulwinder Singh @ Mahant, who alleged that the petitioner had taken away Varinder Singh on a motorcycle on the pretext of visiting Kotakpura. In the evening, at about 05:00 P.M., Sandeep Singh @ Vicky, brother-in-law of Varinder Singh had informed the complainant that the petitioner and Varinder Singh had visited his house and they appeared to be under the influence of some intoxicant and condition of Varinder Singh was very bad. The complainant went to the house of Sandeep Singh and found his son Varinder Singh there, who lying on a cot.

Varinder Singh told the complainant that the petitioner had brought him to the house of Naresh Kumar and he had purchased some white powder from there, which was administered by the petitioner with the help of a syringe to him and even the petitioner had injected the substance in his body as well. The petitioner further brought Varinder Singh to his in-laws house and his condition had deteriorated. The complainant shifted Varinder Singh to Civil Hospital, Kotakpura and due to overdose of some intoxicating material, Varinder Singh had died.

3. Learned counsel for the petitioner further contends that the petitioner had no role to play in the entire occurrence as Varinder Singh had himself consumed drugs and had died because of overdose of drugs. He further contends that the petitioner had dropped Varinder Singh at the house of his in-laws and the petitioner has been involved only on the basis of suspicion. Learned counsel further contends that even from the post mortem report of Varinder Singh, it is apparent that he did not suffer any injury on his person and as per the report of Chemical-Examiner, Varinder Singh had died due to overdose of morphine. The petitioner was arrested in the present case on 30.12.2023 and the challan has already been presented against him. He further contends that only 01 witness out of total 18 witnesses has been examined so far. Thus, no purpose would be served by keeping the petitioner behind the bars.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the present petitioner and he does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the

record carefully.

6. From the post mortem report of Varinder Singh, it is apparent that he had not suffered any injury. He had died because of overdose of drugs. Still further, the petitioner is in custody for the last about 07 months and the further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

01.08.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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