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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-36837-2024**

Date of Decision: 12.09.2024

Diksha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Dinesh Mahajan, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

1. The present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.82 dated 15.06.2024 under Sections 304/120-B of IPC, 1860 and Sections 27/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Dinanagar, District Gurdaspur, Punjab.

2. In compliance of the previous order, learned State counsel has filed the status report dated 11.09.2024 by way of affidavit of Mr. Surinder Singh, PPS, Deputy Superintendent of Police, Dinanagar, District Gurdaspur, which is taken on record. Copy has been supplied to the counsel for the petitioner.

3. The relevant and extract part of the status report is as under:-

“Sh. Ram Krishan Malhotra son of Late Basant Ram resident of Village Sahora Khurd, Police Station Taragarh, District Pathankot has got recorded his statement to LR/SI Rajesh Kumar of Police Station Dinanagar on 15.06.2024 that his son Prince

Malhotra has been drugs addict. He was under treatment for some time as well and used to recover from addiction after treatment. He was bachelor. He used to work with him and after some work for about two and half months, he came back to his village. On 14.06.2024, he was present at his work place at Solan (H.P) and at about 9.36 p.m, he received phone call from the mobile number of his elder son Davinder Malhotra who told him that Prince Malhotra at about 3:00 p.m had gone on motorcycle of his cousin Mohan Lal towards Dinanagar. He came to know that Prince Malhotra was found lying in road Jhangi Saroop Dass near Panther and was found to be dead. Then he came back. His son Prince Malhotra used to tell him that he used to procure Chita from different persons of Deeda Sansian and Awankha who were 1) Baljinder @ Moonga, 2) Ayodhya w/o Lakhwinder @ Loocha, 3) Kamlesh w/o Hardeep, 4) Pushpa w/o Hardeep Singh, 5) Gulshan @ Toni, 6) Rozi w/o Gulshan, 7) Diksha (Petitioner) w/o Rajan @ Laddi, 8) Love r/o Deeda Sansian, 9) Gaurav r/o Deeda Sansian, 10) Darshan s/o Hem Raj, 11) Reeta w/o Darshan Lal, 12) Babby w/o Dalbir Kumar, 13) Laddi son of Surjit Singh. 14) Santosh Kumari w/o Sona, 15) Amar s/o Surjit, 16) Sunny @ Sanna s/o Ranjit Kumar, 17) Sunita @ Chuhi w/o Kala and they all in conspiracy with each other sold Chita and heroin, however, when they were having nothing to sold, they used to procure from others. He is sure that on 14.06.2024, his son Prince Malhotra consumed the intoxicant/heroin by procuring the same from them and thereby, he has died.”

4. Learned counsel for the petitioner *inter alia* submits that as per status report cause of death is Morphine poisoning. He further submits that the allegations levelled against the petitioner are general in nature. The son of the complainant was himself a drug addict. So, Morphine has been found positive in the viscera. He further submits that challan has been presented and Section 27 of the NDPS Act has been deleted. The petitioner is in custody since 06.07.2024. Trial of the case would take a long time so no useful purpose would be served by keeping the petitioner behind the bars.

5. Learned State counsel opposes the bail petition and submits that petitioner and co-accused are suppliers of contraband. Petitioner is involved in two other cases. He has fairly admitted that petitioner is in custody since 06.07.2024.

6. I have heard the submission of the learned counsel for the petitioner, learned State counsel and have gone through the paper-book.

7. Keeping in view the fact that allegations against the petitioner are general in nature. There is no evidence that petitioner supplied the drug to the deceased. On the day of death, it is not sure from which the deceased procured the contraband. Merely registration of the case is not a ground to deny the bail to the petitioner. Trial of the case would take a long time. So, no useful purpose would be served by keeping the petitioner behind the bars.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on her furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

9. The petitioner shall get her mobile number registered in the trial Court for receiving messages through CIS and shall not change her mobile

number during pendency of the case. The petitioner shall also inform her residential address to Court and also to the concerned police station. The petitioner shall not change her residence without informing the Court/concerned police station. In case of default, the learned trial Court is free to cancel the bail granted to the petitioner.

10. However, nothing contained here-in-above shall be construed as an expression of opinion on the merits of the case. If the petitioner indulges in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of her bail granted vide this order.

12.09.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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