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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37735-2024

Date of Decision: 30.09.2024

- (1).

Santosh Kumari

Versus

State of Punjab

and

...Petitioner

...Respondent
- (2).

Gulshan @ Toni

Versus

State of Punjab

and

CRM-M-38414-2024

...Petitioner

...Respondent
- (3).

Darshan Lal

Versus

State of Punjab

and

CRM-M-40192-2024

...Petitioner

...Respondent
- (4).

Reeta

Versus

State of Punjab

and

CRM-M-40233-2024

...Petitioner

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Manoj R. Sharma, Advocate
for the petitioners in CRM-M-37735-2024
and CRM-M-38414-2024.

Mr. Tarun Vir Singh Lehal, Advocate
for the petitioners in CRM-M-40192-2024 and
CRM-M-40233-2024.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

1. By this order, above said four regular bail petitions are being disposed of as these have arisen from the common 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 orders, learned State counsel has filed the separate status report dated 20.09.2024 by way of affidavit(s) of Mr. Surinder Singh, PPS, Deputy Superintendent of Police, Dinanagar, District Gurdaspur, in all the cases, which are taken on record. Copies have been supplied to the respective counsel for the petitioner(s).

3. Facts are mentioned in para No.5 of the status report. The extract 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 (**petitioner in CRM-M-38414-2024**), 6) Rozi w/o Gulshan, 7) Diksha w/o Rajan @ Laddi, 8) Love r/o Deeda Sansian, 9) Gaurav r/o Deeda Sansian, 10) Darshan Lal s/o Hem Raj (**petitioner in CRM-M-40192-2024**), 11) Reeta w/o Darshan Lal (**petitioner in CRM-M-40233-2024**), 12) Babby w/o Dalbir*

*Kumar, 13) Laddi son of Surjit Singh. 14) Santosh Kumari w/o Sona (**petitioner in CRM-M-37735-2024**), 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 petitioners jointly submit that co-accused Diksha has already been granted concession of regular bail by this Court vide order dated 12.09.2024 passed in CRM-M-36837-2024. They further submits that as per status report cause of death is Morphine poisoning. The allegations levelled against the petitioners are general in nature. The son of the complainant was himself a drug addict. So, Morphine has been found positive in the viscera. They further submits that challan has been presented and Section 27 of the NDPS Act has been deleted. All the petitioners are in custody since 15.06.2024. Trial of the case would take a long time so no useful purpose would be served by keeping the petitioners behind the bars.

5. Learned State counsel opposes the bail petitions and submits that petitioners and co-accused are suppliers of contraband. Petitioners are involved in similar cases of NDPS Act and Excise Act. She has fairly admitted that the petitioners are in custody since 15.06.2024.

6. I have heard the submission of the learned respective counsel for the petitioners, learned State counsel and have gone through the paper-books.

7. Keeping in view the fact that allegations against the petitioners are general in nature. There is no evidence that petitioners supplied the drug to the

deceased. On the day of death, it is not sure from whom the deceased procured the contraband. Merely registration of the case is not a ground to deny the bail to the petitioners. Trial of the case would take a long time. So, no useful purpose would be served by keeping the petitioners behind the bars.

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

9. The petitioners shall get their mobile numbers registered in the trial Court for receiving messages through CIS and shall not change their mobile numbers during pendency of the case. The petitioners shall also inform their residential address to Court and also to the concerned police station. The petitioners shall not change their 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 petitioners.

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

30.09.2024

Parveen kumar

Whether speaking/reasoned

Whether reportable

:Yes/No

:Yes/No

(GURBIR SINGH)

JUDGE