



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

295 CRM-M-41640-2024
Date of decision: 21st October, 2024

Bablu @ Dinesh ...Petitioner
Versus
State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Dadwal, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.
None for respondent No.2.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No. 97 dated 18.05.2023 registered under Sections 304 read with Section 34 of IPC at Police Station Sadar Ludhiana, District Ludhiana.

2. As per the prosecution case, the aforementioned FIR was registered on the statement got recorded by the complainant Jaspal Kaur alleging therein that her younger son Monu Singh @ Monu Baba, aged about thirty years used to take drugs and was under treatment of some doctor and was taking medicine for de-addiction and stayed at home. On 17.05.2023 at about 12:00 PM, accused Sukhwinder Singh @ Bunty who was also a drug addict came to her house and took her son Monu with him.



She alleged that her son did not come back home on that night. She made calls to Sukhwinder Singh and his friends but no satisfactory answer was given. In the next morning, she came to know that the dead body of her son was lying at vacant plot near bypass. She alleged that present petitioner along with the co-accused had enticed her son to take some intoxicant on consuming which he had died and further alleged that they had caused the death of her son. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 30.08.2023. The co-accused were also arrested. Investigation has since been completed and the challan stands presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of suspicion. He is in custody since long. The co-accused Akash, Rajesh Kumar, Sukhwinder Singh and Paras Sahni have since been extended benefit of regular bail. The trial is likely to take time. He does not have any criminal antecedents. There are no chances of his absconding or intimidating the witnesses. The deceased was a drug addict and had died due to overdose of drug. No useful purpose would be served by detaining him in custody anymore. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

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 along with the co-accused is alleged to have caused the death of the victim who was a drug addict by making him consume some intoxicating substance. All the co-accused have since been extended benefit of bail. Conclusion of trial is likely to take time. Since even charges have not been framed so far. The victim died due to 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

21st October, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No