

2024:PHHC:146584



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-54933 of 2024 (O&M)
Date of Decision: 11.11.2024

Joginder Singh @ Honey ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Imran Farooqi, Advocate, for the petitioner.

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

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the BNSS, 2023 with a prayer to grant a regular bail in case FIR No.54 dated 20.07.2024 registered under Section 105 of the BNS 2023 and 27/29/61/85 of the NDPS Act at Police Station Sadar Ahmedgarh, District Malerkotla.
2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been nominated as an accused on the basis of the supplementary statement made by the complainant after a long delay. Even otherwise, Kamal Veer Singh, since deceased, had died because of overdose of drugs and the

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petitioner had no concern with the said occurrence. Even, the drugs were allegedly supplied to Kamal Veer Singh, since deceased, by Mohd. Anwar, co-accused, who is yet to be arrested in the present case. He further contends that the provisions of Section 105 of BNS have been wrongly invoked in the present case.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was accompanied by Kamal Veer Singh, since deceased, at the time of the occurrence and fresh evidence has been collected against him.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 03.08.2024 and is continuing in custody since then. After completion of investigation, the challan has already been presented against him and the charges are yet to be framed against him. Still further, it would be debatable as to whether the offence under Section 105 of BNS is made out against the petitioner and both the parties shall lead their respective evidence before the trial Court.

5. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

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satisfaction of the learned trial Court/Duty Magistrate/CJM
concerned.

11.11.2024 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

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