

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

303

CRM-M-58996-2023 (O&M)
Date of Decision:- 10.01.2024

BUTA KHAN

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

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

Mr. Harpreet Singh, Additional AG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
130	19.08.2023	304 IPC (27 of the NDPS Act added later on)	Dayalpura, District Bathinda

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the petitioner is in custody since 19.08.2023 and challan has already been presented in the Court. He submits that charges have not yet been framed and the prosecution has cited 24 witnesses and the conclusion of trial will take sufficient long time. He thus prays for grant of regular bail to the petitioner. Learned counsel for the petitioner refers to the order dated

22.11.2023 passed in CRM-M-57803-2023 (Annexure A-1) and order dated 05.01.2024 passed in CRM-M-62754-2023, whereby co-accused Baljit Singh @ Gagga and Lovepreet Singh @ Labbi Singh were granted the concession of bail by this Court to claim parity.

3. Learned State counsel has not disputed the factual matrix and also the fact that the petitioner is at the same footing as that of co-accused Baljit Singh @ Gagga and Lovepreet Singh @ Labbi Singh.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the instant case was registered on the allegation that the son of the complainant had died due to overdose of drugs. Thereafter during the course of investigation, the petitioner as well as other co-accused were arrested in this case and after the conclusion of investigation, challan was presented in the Court. Admittedly, the charges have not yet been framed by learned trial Court and the prosecution has cited 24 witnesses in this case. The conclusion of trial will take sufficient long time to ascertain the criminal liability, if any, of the petitioner and no purpose would be served by detaining the petitioner in custody any longer. Moreover, the case of the petitioner is at the same footing as that of the co-accused Baljit Singh @ Gagga and Lovepreet Singh @ Labbi Singh, who have been granted the concession of bail by this Court.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

- 7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 8. Pending application(s), if any, shall stand disposed of.

(SANJIV BERRY)
JUDGE

10.01.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |