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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-61072-2023**Date of Decision: 10.12.2024**

Naresh Kumar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Samay S. Sandhawalia, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.149 dated 02.09.2023 registered under Sections 304, 34 of IPC, at Police Station City Kotakpura, District Faridkot.
2. Learned counsel for the petitioner contends that the FIR was initially registered on the basis of the complaint filed by Kulwinder Singh @ Mahant. As per the complainant, Nikka Singh, co-accused had taken away the Varinder Singh on a motorcycle on the pretext of visiting Kotakpura. At about 5.00 pm on the same day, Sandeep Singh @ Vicky, brother-in-law of Varinder Singh had informed the complainant that Nikka Singh and Varinder Singh had visited his house and they appeared to be under the influence of some intoxicant and condition of Varinder Singh was very bad. The complainant went to the house of Sandeep Singh and found his son Varinder Singh there, who was lying

on the cot. Varinder Singh told the complainant that Nikka Singh had brought him to the house of Naresh Kumar, present petitioner and he had purchased some white powder from there, which was administered by Nikka Singh with the help of a syringe to him and even Nikka Singh had injected the substance in his body as well. Nikka Singh further brought Varinder Singh to his in-laws house and his condition had deteriorated. The complainant shifted Varinder Singh to Civil Hospital, Kotakpura and due to overdoes of drugs, Varinder Singh had died.

3. Learned counsel for the petitioner contends that in fact, Varinder Singh had died due to overdose of the drugs. The only allegation against the present petitioner is that Nikka Singh had brought Varinder Singh to his house and from there, they had purchased a white powder. Learned counsel further contends that Nikka Singh, main accused has already been granted the concession of bail by this Court on 01.08.2024 passed in CRM-M-35813-2024. The petitioner was arrested in the present case on 02.09.2023 and is in custody for the last more than 01 year and 03 months. He further contends that the petitioner is on bail in all other cases registered against him.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that petitioner is a habitual offender and is involved in other cases as well.

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

6. No doubt, the petitioner is involved in other cases, but he is on bail in those cases. Moreover, the pendency of other criminal cases is no ground to reject the present bail application as the petitioner has been able to make out a

case for grant of bail in the peculiar facts and circumstances of the present case. The main accused, namely, Nikka Singh has already been admitted to bail by this Court. The petitioner is in custody for the last more than 01 year and 03 months. Thus, further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

10.12.2024.
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(N.S.SHEKHAWAT)
JUDGE

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