

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M No.61533 of 2023  
Date of Decision: 06.05.2024

AKASH .....Petitioner  
  
Vs  
STATE OF PUNJAB ....Respondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Ashok Paul Batra, Advocate  
for the petitioner.  
  
Mr. Rahul Jindal, Asstt. A.G., Punjab.  
  
Mr. Arjunveer Sharma, Advocate  
for the complainant.

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*HARKESH MANUJA, J. (Oral)*

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.97 dated 18.05.2023 registered under Section 304 IPC at P.S. Sadar Ludhiana, Distt. Police Commissionerate Ludhiana, Punjab.
2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of statement of mother of deceased/complainant for having instigated her son to consume intoxicating substance, resulting into his death.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel as well as learned counsel representing the complainant while referring to the antecedents of the petitioner, who is stated to be involved in 08 more cases besides active role of the petitioner in the incident in hand.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, the investigation already stands concluded with the filing of challan followed by framing of charges. The trial is yet to commence and its conclusion may take some time. Petitioner is behind the bars for a period of 08 months and 06 days and the cause of death has been reported to be Morphine and as such his role needs to be examined during trial especially when the deceased even as per statement made by the complainant in the FIR itself used to be an addict and was on medication. As regards involvement of the petitioner in 08 other cases, he is on bail in 03 cases and in remaining 05 cases, he has been acquitted; moreover involvement of the petitioner in other cases may not be solely taken as a ground to reject his bail.

6. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion 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 adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

9. It may be pointed out here at this stage that an apprehension has been expressed by learned counsel for representing the complainant about the safety of prosecution witnesses, however without any supporting material.

10. Considering the aforesaid, the Commissioner of Police, Ludhiana is requested to look into the matter and ensure the safety of life and liberty of the complainant and other prosecution witnesses in order to ensure free and fair trial.

May 06, 2024

Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No