

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

207

CRM-M-62754-2023 (O&M)

Date of Decision:- 05.01.2024

LOVEPREET SINGH @ LABBI SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Tanvir Joshi, 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 (Annexure P-4) passed in CRM-M-57803-2023, whereby the co-accused Baljit Singh @ Gagga was 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.

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. The petitioner as well as co-accused Baljit Singh @ Gagga were arrested in this case. It transpires that after the conclusion of investigation, challan has been presented in the Court by the Police and as such petitioner is not required for further investigation in the matter. Admittedly, charge has not yet been framed by the learned trial Court and the prosecution has cited 24 witnesses and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

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.

(SANJIV BERRY)
JUDGE

05.01.2024
S.Sharma(syr)

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