

**305 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.367 of 2024 (O&M)****Date of decision : 16.01.2024**

Babalpreet Singh @ Babu

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******Present :- Mr. M.S.Saini, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

*********PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.46 dated 27.08.2023 registered under Sections 304/34 IPC and Sections 21/29 of NDPS Act (added later on) at Police Station Smalsar, District Moga, Punjab.

2 As per the contents of the FIR, it has been alleged as under :-

“Statement of Zora Singh son of Kehar Singh son of Kishan Singh resident of Bhaloor, aged about 70 years mobile No. 81465-07817. I would like to state that I am resident of above noted address. I was having two sons, elder son Gurpreet Singh who has died about 6 years ago. Manpreet Singh whose marriage was solemnized with Mandeep Kaur daughter of Harbans Singh resident of Moga about 10 years ago and he has one son aged about 7 years and my said son has died on 26.08.2023. The proceedings under section 174 of Cr. PC regarding death of my son were done by ASI Harpal Singh No. 825/Moga. I was under shock due to death of my son and due to said shock, I had got recorded my statement before ASI Harpal Singh No. 825/Moga about the death of my son due to his treatment/medicine of black Jaundice but my son Manpreet Singh was habitual to consume drugs (Heroin). Kiranpreet Kaur @ Kiran and her brother Gurpreet Singh son of Gurtej Singh son of Gurnam Singh residents of Bhaloor are selling Heroin. My son used to take money from

us by quarreling and was consuming Heroin by purchasing it from them. I many time restrained above said Kiranvir Kaur @ Kiran and her brother Gurpreet Singh to give intoxicant material to my son Gurpreet Singh but they did not mend their ways and they were giving Heroin to my son on our back and on 26.08.2023 at morning time, my son has died due to overdose of Heroin. Today I along with my Daughter-in-law Mandeep Kaur wife of Manpreet Singh were present in the house. Statement got recorded, heard, same is correct. Action be taken.”

3 Learned counsel for the petitioner submits that the name of the petitioner has come forth on the disclosure made by Kiranpreet Kaur @ Kiran and Gurpreet Singh s/o Gurtej Singh.

4 Custody certificate has been filed. The same is taken on record. As per the custody certificate, the petitioner is behind bars for more than 3 months & 5 days and has clean antecedents. Apart therefrom, similarly situated co-accused namely Happy Singh @ Shinder Singh stands admitted to pre-arrest bail vide order dated 07.11.2023 passed in CRM-M-56130-2023.

5 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

6 I have heard learned counsel for the parties and have gone through the records of the case.

7 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) *The petitioner shall not mis-use the liberty granted.*
- (ii) *The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) *The petitioner shall not absent himself on any date before the trial.*
- (iv) *The petitioner shall not commit any offence while on bail.*
- (v) *The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) *The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) *The petitioner shall not in any manner try to delay the trial.*

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

16.01.2024
Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No

(PANKAJ JAIN)
JUDGE