

232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.64164 of 2023 (O&M)
Date of decision : 08.01.2024

Manpreet Singh @ Mona

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Atul Goyal, Advocate
for the petitioner.

Mr. J.S.Arora, DAG, 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.151 dated 30.07.2023 registered under Sections 304 IPC (Sections 332/353/186 IPC added later on) at Police Station Machiwara, Police District Khanna.

2 FIR was registered on the information supplied by one Maha Singh s/o Late Darshan Singh, who alleged as under :-

“Statement of Maha Singh son of Late Darshan Singh resident of village Manewal, police station Machhiwara Sahib, district Ludhiana, age approximately 58 years, phone number 98552-37713. Stated that I am a resident of the above said address and I work as a laborer. I have two sons and one daughter. My elder daughter Kulveer Kaur is married and younger son Kuldeep Singh is about 22 years old. He has passed 10th standard and now he used to drive a combine and he is not married. The other younger son Manpreet Singh is 10+2 pass. That on 29.07.2023 I went to my work. At around 11 am My son Kuldeep Singh went out of the house to the ground of the village after informing his mother Gian Kaur. When I returned to home from my work, my wife Gian Kaur told me that our son Kuldeep Singh had

gone to the ground of our village and he has not come back till now. Then I and my family started looking for my son Kuldeep Singh but my son Kuldeep Singh has not returned home till today. Today I and my brother Mahinder Singh went to Machiwara Sahib while searching for my son Kuldeep Singh, then we saw a video posted on Facebook and we came to know that yesterday on 29.07.2023 at around 06:00 PM an unknown boy has died at Machiwara Sahib, Ropar Road, due to drug injection overdose, whose body has been kept for identification in the mortuary of Civil Hospital Samrala. After that I and my brother Mahinder Singh went to mortuary of Civil Hospital Samrala to identify the body. This body was of my son Kuldeep Singh. My son Kuldeep Singh was addicted to injecting drugs. I have come to know that 4/5 unknown men and 2/3 women sell drugs and syringes to drug addicts in Machiwara Sahib. I am sure that my son Kuldeep Singh has been injected with drugs by some unknown person or woman. Due to that drug injection my son Kuldeep Singh has died. That unknown persons/women are responsible for it. Justice should be done by taking legal action against them. ”

3 The incident relate to unfortunate death of 22 years old young boy, who died of drug over-dose. FIR was registered against unknown persons. The next day i.e. on 31.07.2023, the petitioner was booked in FIR No.152 dated 31.07.2023 registered under Sections 21/61/85 of the NDPS Act at Police Station Machiwara, District Khanna after search at his house led to recovery of 5 grams of heroin. The petitioner stands admitted to pre-arrest bail vide order dated 10.10.2023 passed by Co-ordinate Bench in CRM-M No.43143 of 2023 observing as under :-

2. Allegations against the petitioner are that 05 grams of heroin was recovered from one black polythene tied on the motorcycle parked in their house. Further, another polythene containing 17 grams of chemical, two silver paper rolls, three lighters and one computer scale were recovered from the search of his house.

3. This Court, on 06.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that there is no other criminal case pending against the petitioner and recovery in the present case is alleged to be 5 grams of heroin.

Learned State counsel seeks more time to verify the pendency of other case(s) against the petitioner.

Posted on 10.10.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. There is no assistance on behalf of the petitioner.

5. Learned State Counsel, on instructions from the police officer present in Court, stated that petitioner has joined the investigation and his custodial interrogation is not required at this stage.

6. In view of above, interim order dated 06.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.”

4 Custody certificate has been filed. The same is taken on record.

5 The basis of implication of the petitioner in the present case is an alleged extra judicial confession made by co-accused.

6 Learned counsel for the petitioner submits that it is a clear case of false implication as the petitioner has no relation with the present incident and there are repeated attempts to falsely implicate the petitioner. He relies upon judgment dated 02.11.2022 passed by Special

Court, Ludhiana in FIR No.66 dated 10.04.2017 registered under Sections 22/61/85 of NDPS Act at Police Station Machhiwara Sahib, Ludhiana.

7 Per contra learned State counsel has opposed the bail plea on the ground that the petitioner is a habitual offender and is facing two more cases.

8 Faced with the situation learned counsel for the petitioner submits that the petitioner has earned acquittal in both those cases and in the other case, he has already been admitted to pre-arrest bail. The same is reflected in custody certificate as well

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

10 Without commenting on the merits of the case, keeping in view the nature of allegations levelled against the petitioner and the nature of evidence, 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.

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

(PANKAJ JAIN)
JUDGE

08.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No