

CRM-M-65046-2023 (O & M)
Date of decision: 27.02.2024

Balbir Singh Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Munish Kamboj, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.146 dated 30.03.2022 under Sections 304, 328 IPC (Section 21 of the NDPS Act added later on) registered at Police Station City Mandi Dabwali, District Sirsa.

2. The present FIR came to be registered at the instance of Kaur Singh and reads as under:-

“On statement of Kaur Singh son of Nand Singh, resident of village Tarkhanwala, Police Station Rama, District Bathinda, Punjab, age 60 years, mobile number 94637-53674 stated that I am a resident of the above address, and I am an elderly person. I have two sons and one daughter. My elder son Daljeet Singh alias Dali age 25 years is married. Daljeet Singh has a daughter Gurneet Kaur age three months. My son had become addicted to drugs for some time. When we came to know about this, I and my family members made understand to him and inquired about the drug addiction, then my son Daljit Singh told

that in village Desujodha, Bhupendra Singh alias Bhinda son of Teja Singh, Raja Singh son of Pratap Singh, Gagandeep Singh alias Ganja son of Sohan Singh, Amar Singh son of Sema Singh, Happy Singh son of Buta Singh and Sikandar Singh son of Tar Singh, all are residents of village Desujodha and they give drug doses to drug addicts through syringes. I have got dose several times and then I and my family members came to village Desu Jodha and went to the house of all the above mentioned people and requested them not to give drug dose to my son Daljit Singh but these people did not stop. On 29/03/2022, my son Daljit Singh had gone from home on his Splendor motorcycle no. PB 03BG 9120 to get medicines from village Paka hospital. My son did not have a mobile phone and he did not reach home till yesterday evening, so we started searching for him. On coming of a picture on the whatsapp group of boys of our village, we came to village Desujodha to find out about the photo, the villagers told us that a boy has died in our village today due to taking an overdose of drugs. Then today, on 30/03/2022, I along with my family members went to the General Hospital, Dabwali and identified my son after seeing his deadbody. And my son's motorcycle was also not found. My son died due to repeated overdose of drugs given by Bhupendra Singh alias Bhinda son of Teja Singh, Raja Singh son of Pratap Singh, Gagandeep Singh alias Ganja son of Sohan Singh, Amar Singh son of Sema Singh, Happy Singh son of Buta Singh, Sikandar Singh son of Tar Singh, resident of village Desujodha, despite my repeated refusal. Legal action should be taken against these merchants of death and my son's motorcycle should be searched. I have got written my statement to you and heard it which is fine. LTI TI Kaur Singh.”

3. Co-accused/Amritpal Singh @ Amar Singh @ Ammu son of Tarsem Singh was arrested and named a number of accused including the present petitioner-Balbir Singh. As per investigation, the petitioner used to

CRM-M-65046-2023 (O & M)
(237)

::3::

purchase heroin from co-accused Raja Singh etc. and empty syringes from co-accused Gagandeep Singh @ Ganja etc.

4. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. His name does not figure in the FIR but only in the confessional/disclosure statement of Amritpal Singh @ Amar Singh @ Ammu who himself had been granted the concession of bail. As the petitioner was in custody since 18.11.2022 and none of 17 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon, he was entitled to the concession of bail.

5. The learned counsel for the State has filed a reply dated 27.02.2024 which is taken on record. While referring to the said reply, he contends that the petitioner and his co-accused used to purchase empty syringes and fill them up with the mixture of heroin which were used to inject. On the arrest of the petitioner, 03 empty syringes were recovered from his house. The nature of the allegations levelled against him did not entitle him to the grant of bail. He, however, concedes that the petitioner was named in the disclosure statement of co-accused/Amritpal Singh @ Amar Singh @ Ammu who had been granted the concession of bail by this Court vide order dated 24.08.2022 passed in CRM-M-24029-2022 (Annexure P-2), that he was in custody since 18.11.2022 and that none of the 17 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial.

Admittedly, the petitioner was named in the disclosure statement of his co-

CRM-M-65046-2023 (O & M)
(237)

::4::

accused who has been granted the concession of bail. In addition, as many as 14 other co-accused of the petitioner have been granted the similar concession. The petitioner is stated to be in custody since 18.11.2022 and none of the 17 prosecution witnesses have been examined so far. Therefore, the Trial of the present case was not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Balbir Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

February 27, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No