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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-432 of 2024
Date of decision:- 12.01.2024

RAJU SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petitions have been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
91	02.07.2023	304, 34 IPC (27, 29 NDPS Act added lateron)	Sadar Dhuri, District Sangrur

2. Heard.
3. As per the case of the prosecution, deceased Tarandeep Singh along with Gagandeep Singh @ Ghoti had brought intoxicants from

Kamlesh Rani, Raju Singh and Minakshi Devi and due to intake of such intoxicants the son of the complainant had died and as such FIR was registered.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. In fact the deceased was drug addict as is evident from the fact that two cases were registered against him under NDPS Act and due to such overdose he expired on 07.08.2022. Learned counsel further contends that the present FIR was lodged after a delay of more than 11 months on 02.07.2023, which creates doubt of its genuineness and veracity. Co-accused Minakshi has already been granted concession of anticipatory bail by this Court vide orders dated 26.07.2023 and 06.09.2023 (Annexures P-2 & P-3), respectively, and co-accused Kamlesh Rani and Gagandeep Singh @ Ghoti has been granted concession of regular bail by this Court vide order dated 19.12.2023 (Annexure P-4). The challan has already been presented against the petitioner and none of the witnesses has been examined, the petitioner is in custody since 21.09.2023, as such he prays for grant of concession of bail to the petitioner.

5. *Per contra* learned State counsel has opposed the bail petition by arguing that considering the nature and gravity of the offence petitioner does not deserve concession of bail. However, learned State counsel has not disputed the fact that the occurrence took place on 07.08.2022 and the proceedings under Section 174 Cr.P.C were initiated and postmortem conducted. He submits that the present complaint has been made by the complainant mother of the deceased on 02.07.2023 leading to registration of

the instant FIR.

6. After considering the rival contentions and perusing the record, it transpires that petitioner is in custody since 21.09.2023 and there is unexplained delay of 11 months in lodging the FIR. It is also fact that the proceedings under Section 174 Cr.P.C were conducted upon the demise of the Tarandeep Singh on 07.08.2022 and the instant FIR was registered on 02.07.2023. Challan has already been presented in Court and admittedly out of the 18 witnesses cited by the prosecution no witness has yet been examined, the conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no useful purpose would be served by keeping them behind bars any longer.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.01.2024

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