

Neutral Citation No.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-96 of 2024
Reserved on:22.02.2024
Pronounced on: 26.02.2024

Davinder Katal alias BikkaPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gaurav Partap Singh Pathania, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 Cr.P.C.,
petitioner prays for his release on regular bail in case FIR No.108 dated
8.9.2023 under Section 304 & 120B IPC, registered at Police Station
Sujanpur, District Pathankot

2. Status report by way of affidavit dated 17.02.2024 of Shri
Lakhwinder Singh, PPS, Deputy Superintendent of Police, Sub Division
Dhar Kalan, District Pathankot, has been filed on behalf of the respondent-
State.

3.1 FIR was lodged on the statement of Mulakh Raj against
petitioner – Davinder Katal alias Bikka and 11 unknown persons. It was
stated by the complainant that his younger son, namely, Mukesh Kumar
(deceased) had fallen in bad company. He had become a drug addict, who
used to consume heroin by hiding it from the complainant. It was alleged
further that petitioner Davinder Singh and his 10-11 accomplices used to
supply the intoxicants to Mukesh Kumar. Complainant forbade them many

times not to do so but in vain. It was further stated that on 08.09.2023, complainant got information that his son was lying in intoxicated state on the bank of the river near the turn of Ferozepur Kalan. Accompanied by others, he reached there and took his unconscious son to the Puri Hospital, Sujanpur, where he was declared dead.

3.2 After registration of the FIR, supplementary statement was made by the complainant, nominating 11 more persons to be the companions of present petitioner. Petitioner was arrested on 11.09.2023. Necessary investigation was conducted. Final report under Section 173 Cr.P.C has already been presented in the Court. Eighteen witnesses have been cited by the prosecution but none has been examined so far.

4. It is contended by learned counsel that the petitioner has been falsely implicated; that as per the own version of the prosecution, the deceased was addicted to the drugs; that no case was ever registered against the petitioner for supplying the intoxicants to the deceased; that various co-accused have already been granted the benefit of pre-arrest bail by this Court, whereas one of the co-accused Pretti was allowed regular bail. Learned counsel further contends that the petitioner is in custody for the last more than five months with no criminal antecedents and that the trial may take long time to conclude and so, he be allowed bail.

5. Learned State Counsel has opposed the petition by pointing out towards the gravity of the offence but concedes the fact that no case was ever registered against the petitioner by the complainant or anybody else regarding supplying of intoxicating material to the deceased or anybody else. It is despite the fact as per the allegations made by the complainant, he had asked the petitioner several times not to approach his son for supplying the intoxicants.

6. The custody certificate reveals that the petitioner is in custody for the last 05 months and 12 days. He has no other criminal case pending against him. Co-accused Saif Ali @ Saifu, Karam Din and Janam alias Jaanu have already been granted the benefit of pre-arrest bail by this Court on different dates. Copies of those orders have been placed on record. Another co-accused Pretti was allowed the regular bail by the trial Court vide order dated 25.10.2023 (Annexure P.2).

7. Having regard to all the afore said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

February 26, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No