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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40560-2024**Date of decision : 19.03.2025****Davinder Singh @ Galu****....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sukhwinder Singh Dhillon, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.51 dated 11.05.2024, under Section 304 of IPC and Section 27 of NDPS Act (added lateron), registered at Police Station Giddarbaha, District Sri Muktsar Sahib.
2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Vakeel Singh. It was alleged that his son Satwinder Singh was in the bad company of the boys who used to consume drugs. Their neighbour Davinder Singh @ Galu (present petitioner) who himself was a drug addict often used to take his son Satwinder Singh along with him. On 10.05.2024, at around 7:00 PM, Davinder Singh @ Galu took his son Satwinder Singh from his house and thereafter at about 8:00 PM his son returned home but he was not feeling well. He told that he injected the drug injection which was given by Davinder Singh @ Galu and hence, he was not feeling well. He was taken to the Hospital where he died. It was alleged that his son Satwinder Singh died due to over doze of drug injected by Davinder Singh and hence, he

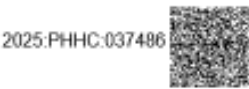


died. Request was made to take legal action against the culprit. On registration of FIR, the investigation commenced. The petitioner was arrested on 12.05.2024. The petitioner approached the Learned Additional Sessions Judge, Sri Muktsar Sahib praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Sri Muktsar Sahib vide order dated 15.07.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that as per the case of the petitioner the deceased was admittedly a drug addict. He submits that the allegations against the petitioner is that he was also a drug addict and both the petitioner and the deceased used to consume drugs. It is submitted that there cannot be any intention on the part of the petitioner in causing death of the deceased. He submits that the false implication of the petitioner is writ large. He submits that though the petitioner is involved in one more case under the NDPS Act, however, he is on bail in the same case. It is submitted that there is no progress in the trial. It is submitted that the petitioner is behind bars from the last more than 10 years. He thus, submits that in facts and circumstances of the case the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner is admittedly a drug addict and the postmortem report has also corroborated the same. It is submitted that the deceased had told that he injected the drug injection which was supplied to him by Davinder Singh

@ Galu. He submits that the prima facie offence against the petitioner is



made out. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered from the facts of the case that the petitioner is behind bars since 12.05.2024. The allegations against the petitioner are that he along with the deceased consumed drugs. The deceased injected the drug supplied by the petitioner which resulted in the death of the deceased. The custody certificate would show that the petitioners are behind bars from last 10 months and 03 days as on 17.03.2025. It further reflects that he is prosecuted in another case, however, he is on bail. In all there are 25 prosecution witnesses out of which only 02 witnesses have been examined.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

19.03.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No