

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-16404 of 2017
Date of Decision: 11.09.2017**

Manjit Singh @ Monu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.40 dated 23.02.2016 registered for the offence punishable under Section 304 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Phillaur, District Jalandhar.

Heard.

Learned counsel for the petitioner submits that the incident took place on 19.02.2016. After death of Rahul, statement of complainant and her family members were recorded and the police conducted proceedings under Section 174 Cr.P.C. It was at later stage i.e. on 23.02.2016 that Rajni, aunt of deceased again got recorded her statement to police wherein she implicated the petitioner, levelling allegations that he gave an injection containing some intoxicant to Rahul, which resulted in his death. The entire story was put-forth by complainant after the cremation of deceased-Rahul had already taken place. As per report of viscera, no poison

was found in the body of deceased.

Learned State counsel submits that case is based on eye-witness account. Rajni as well as Ganga have deposed that it was petitioner, who administered some injection to deceased as a result of which he died.

The cause of death of deceased is a major factor, which calls for determination by the trial Court on the basis of evidence produced before it.

Keeping in view the fact that initially it was stated to be a case of natural death and the matter was later reported to the police after four days of incident and that the petitioner was arrested on 23.02.2016 and is in custody since then, the present petition is allowed. Petitioner-Manjit Singh @ Monu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 11, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No