

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

CRM-M-32833-2018 (O&M)
Date of decision: 28.11.2018

Vishal Shota @ Manna

..Petitioner(s)

VERSUS

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Kamal Narula, Advocate.
for the petitioner.

Mr. C.L.Pawar, Sr. DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.138 dated 2.7.2018 registered for the offences punishable under Sections 304 of Indian Penal Code, at Police Station City Ferozepur, District Ferozepur.

Heard.

It is the case of the prosecution that one Shivam alias Shambu son of Ashok Kumar had died due to overdose of intoxicating tablets. However, no post mortem examination was conducted. FIR was lodged on the basis of secret information that the petitioner along with his associates Rajdavinder Singh, Davinder Singh and Arun Sahota had supplied intoxicants to said Shivam alias Shambu. The name of the petitioner is not mentioned in the FIR. The prosecution failed to establish the role, rather name of the petitioner has been implicated on the basis of disclosure

the petitioner that the same is not admissible into evidence.

Learned State counsel on instructions from ASI Sukhchain Singh submits that the petitioner has joined the investigation.

Without expressing any opinion on the merits of the case, this petition is allowed and the order dated 2.8.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the trial Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

November 28, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No