

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 4054 of 2018 (O&M)
Date of decision : 9.5.2018

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Manna @ Maninder Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

2) CRM-M No. 4306 of 2018 (O&M)

...

Simar Singh @ Simarpal Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. S.K. Sinha, Advocate
for the petitioner(s)

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

Mr. B.S. Jaiswal, Advocate for the complainant.

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H. S. Madaan, J.

Vide this order, I shall dispose of CRM-M-4054-2018
titled as Manna @ Maninder Singh vs. State of Punjab and CRM-M-
4306-2018 titled as Simar Singh @ Simarpal Singh vs. State of

Punjab, as both these petitions have arisen out of the same FIR.

Petitioner – Manna @ Maninder Singh has filed CRM-M-4054-2018, whereas petitioner Simar Singh @ Simarpal Singh has filed CRM-M-4306-2018, for grant of regular bail, both of them being accused in FIR No. 22 dated 13.3.2017, for offences under Sections 304/34 IPC, registered at Police Station Ramdass, District Amritsar.

Briefly stated, facts of the case, as per the prosecution story are that the criminal machinery in this case was set into motion by complainant Sardul Singh, by getting his statement recorded with the police of Police Station Ramdass, District Amritsar, wherein he stated that his son Shamsher Singh was working as an Auto Rickshaw driver; that on 12.3.2017, at about 4.00 P.M., the complainant received a telephonic call from Vikas @ Shalu that Simar Singh had called Shamsher Singh to village Talwandi Pangwan, by making a telephonic call to him. Then Vikas @ Shalu alongwith Shamsher Singh went to a motor room at Talwandi Pangwan in Auto Rickshaw of Shamsher Singh deceased. They found Simar Singh alongwith an unidentified man and a woman to be present there. Simar Singh took Shamsher Singh inside the motor room, whereas Vikas @ Shalu kept waiting for him in the Auto Rickshaw; that after about 45 minutes Simar Singh alongwith unidentified man and woman brought Shamsher Singh in an un-conscious state, putting him in the Auto Rickshaw and asked Vikas @ Shalu to take Shamsher Singh to his house. Vikas @ Shalu told Simar Singh that he was not acquainted with the way to the village Talwandi Bhangwa, therefore Simar Singh

led him in his Maruti car upto village Baddowal; that when Vikas @ Shalu had reached bypass of village Ghannupur Kale, Amritsar in the Auto Rickshaw, then he received a phone call from Amritpal Singh, brother of Shamsher Singh on mobile phone of Shamsher Singh and Vikas @ Shalu disclosed the entire occurrence to him. Then Amritpal Singh alongwith his brother Sandeep Singh reached at village Ghannupur Kale and when they opened dicky of Auto Rickshaw, Shamsher Singh fell on the ground. Amritpal Singh and Sandeep Singh took Shamsher Singh to Arora Hospital, Amritsar, where doctor declared him dead. The complainant expressed a belief that his son Shamsher Singh had been murdered by Simar Singh and unidentified man and woman.

After registration of the FIR, the case was investigated. Simar Singh @ Simarpal Singh and Manna @ Maninder Singh were arrested in this case. They had filed the applications for grant of regular bail in the Court of Sessions, but were unsuccessful there, as such they have approached this Court for grant of similar relief, which request is being opposed by the State counsel.

Learned counsel for the petitioners has contended that Shamsher Singh was a known drug addict, drug peddler, rather his entire family is involved in drug trafficking in the area. Shamsher Singh had died of drug overdose. His father Sardul Singh has lodged a false FIR. The petitioners are innocent and have not committed any offence. They have been wrongly involved in this case.

Whereas the State counsel has contended that the allegations against the petitioners are quite serious and they do not

deserve any concession of bail, since if granted bail, there is every possibility of the petitioners trying to tamper with the prosecution evidence by giving threats and inducement to the prosecution witnesses and even absconding. Therefore, bail may not be granted to them.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

My attention has been drawn to the confessional statement made by Simar Singh @ Simarpal Singh as well as Manna @ Maninder Singh before the police, while being interrogated on 19.7.2017 and 7.9.2017, respectively. In such statement, Simar Singh @ Simarpal Singh had stated on the fateful day he had filled the heroin mixed with water in two injections and gave injection to Shamsher Singh in which more heroin mixed with water was there. Resultantly, Shamsher Singh became un-conscious. He stated that he had committed a mistake by mixing extra heroin in the injection of Shamsher Singh. To the similar effect is the statement of Manna @ Maninder Singh. As per cause of death of Shamsher Singh opined by the doctor, that could be as a result of some poisonous substance. Both the petitioners while being interrogated had confessed the crime.

The guilt of the accused would be determined during the trial. At the time of determining the question, as to whether the bail is to be granted to the accused or not, the minute details of the case are not to be taken into consideration. Those are to be seen during the trial and not at the stage of grant of bail. The considerations for grant

of bail are different, as to whether the petitioner would appear before the Investigating Agency or in the Court regularly or whether there are chances of his absconding, the chances of petitioners trying to tamper with the prosecution evidence. The gravity of offence is also to be taken into view. However, considering the facts and circumstances of the case I do not find any merit in the petitions for regular bail.

Accordingly, both the petitions are dismissed.

9.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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