

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49421-2018 (O&M)

Date of Decision:- 3.12.2018

Gurdev Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.B.Raheja, Advocate, for the petitioner.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

GURVINDER SINGH GILL, J. (Oral)

Petitioner Gurdev Singh seeks grant of regular bail in a case registered against him vide FIR No. 67 dated 4.5.2018, under Sections 304/34 of Indian Penal Code, 1860, Police Station Makhu, District Ferozepur.

The FIR was registered at the instance of Uttam Singh who has alleged that his brother Himmat Singh had gone to the house of Mohan Singh @ Nohna on 3.5.2018 at about 7.30 A.M. It is further alleged that at about 10-11 A.M., Himmat Singh informed at his home that he and Nohna are proceeding to Amritsar. However, when they did not return back by night, the complainant made a phone call to his brother which was attended

by some person who told the complainant that Himmat Singh has consumed excessive liquor and he was not in a position to talk. It is further alleged that on 4.5.2018 Gurcharan Singh came to the complainant's house and informed that dead body of his brother was lying on a *puli* "Warpal road". Pursuant to receipt of aforesaid information the complainant went to the disclosed place and found his brother lying there who was taken to hospital where he was declared dead. The complainant has further stated therein that he suspects that his brother had died on account of excessive consumption of some intoxicant with Mohan Singh @ Nohna.

Notice of this petition was issued to the State. The learned State counsel is opposing the petition.

Learned counsel for the petitioner has submitted that he is not named in the FIR and that in any case, at best, it would be a case of death due to excessive consumption of intoxicant/liquor and the petitioner in any case cannot be held responsible for the same.

On the other hand, learned State Counsel has submitted that during interrogation of co-accused Mohan Singh @ Nohna, he had disclosed the name of the present petitioner and had stated that Mohan Singh as well as present petitioner had administered intoxicant to the deceased and who died of overdose.

Having considered the rival submissions addressed before this Court and bearing in mind the nature of allegations where apparently it appears to be a case of overdose of intoxicant, it will certainly be a debatable as to whether it is a case of forcible administration of intoxicant or as to whether the deceased had consumed the said intoxicant voluntarily. The petitioner has been behind bars since the last more than 6 months and

challan has already been presented and conclusion of trial is likely to take some time. In these circumstances, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

December 3, 2018
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No