IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10124-2019 (O&M)
Date of decision: 12.03.2019

Aman Masih @ Bhaiya

….Petitioner

Versus

State of Punjab

….Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail in FIR No.64 dated 02.07.2018 under Sections 304, 201, 34 IPC and Sections 27/61/85 of NDPS Act, registered at Police Station Ramdas, District Amritsar.

As per allegations in the FIR, got registered by Jaspal Singh, it is stated that his nephew Kulwinder Singh, aged about 24 years, had taken his mother Kashmir Kaur on his motorcycle and went to Ramdas, where he alighted his mother from the motorcycle, by telling her that he wants to join the religious procession at Guru Ke Waddli, Amritsar. On the same day at about 4.00 p.m., he came to know through his mobile phone that dead body of Kulwinder Singh was lying on the bank of Nommi Canal. Initially a DDR was registered and the proceedings under Section 174 Cr.P.C. were required

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and thereafter, post-mortem of the dead body of Kulwinder Singh was conducted and the viscera and heart were sent to Chemical Examiner. The police thereafter recorded statement of the complainant that later on, he came to know that his nephew Kulwinder Singh along Harjit Singh, Parminder Singh reached Ajnala, where they met Aman Masih son of Kala Masih and heroin worth Rs.500/- was purchased from him and the petitioner made arrangement to purchase a syringe from Govt. Hospital, Ajnala. Thereafter, they reached near Power House, Fatehgarh-Churitan Road at Ajnala and Harjit Singh and Parminder Singh asked Kulwinder Singh to take the injection of heroin and others also got their bodies injected through syringe. Immediately thereafter, Kulwinder Singh died on the spot and two other persons took Kulwinder Singh on a bullet motorcycle and throw the dead body near the canal in order to destroy the same and left the motorcycle parked nearby.

Learned counsel for the petitioner submits that there is no direct allegation against the petitioner and from the report of the Chemical Examiner, it has come on record that no poison was detected in the stomach intestine, liver, spleen and kidney of the deceased. It is further submitted that the allegations against the petitioner are that he has supplied the narcotic drugs to the deceased and two other co-accused and there is no eyewitness of the occurrence.

In reply, learned State counsel, on the basis of custody certificate dated 08.03.2019 and on instructions from ASI Sukhwinder Singh, has submitted that the petitioner is involved in one more FIR No.33

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dated 04.04.2018 under Sections 21/22/61/85 of NDPS Act, Police Station Ramdas and he is an habitual offender. It is submitted that in the disclosure statement of the petitioner, it has come that he has sold the narcotic drug to the deceased and two other co-accused and even in the disclosure statement of two other co-accused namely Harjit Singh and Parminder Singh, it has also come on record that they along with deceased Kulwinder Singh had purchased the narcotic drug from the petitioner.

After hearing learned counsel for the petitioner, considering the serious allegations levelled against the petitioner, who had supplied the narcotic drug to the deceased, on consuming the same by way of injection, instantly, Kulwinder Singh had died, I find no ground to grant bail to the petitioner.

In view of the above, the present petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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