

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

CRM-M-13587-2019
Date of decision:3.7.2019

TARSEM LAL

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Liaqat Ali, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.209 dated 20.10.2018 under Section 304 of Indian Penal Code, 1860 registered at Police Station Sadar, Nakodar.
2. The FIR was registered at the instance of Sukhwinder Kaur who has alleged that her husband was addicted to liquor and that Tarsem Lal a resident of their village used to sell liquor in illegal manner

and used to provide liquor to her husband. It is alleged that on 19.10.2018 when her husband was present at home, the aforesaid Tarsem Lal came to their house and gave a bottle of country made liquor to her husband who consumed the same and went to sleep. It is alleged that however on the next day, complainant's husband did not wake up and was found dead.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that there is nothing on record to suggest that the complainant's husband had died on account of consumption of liquor provided to him by the petitioner.
4. The learned State counsel, while opposing the petition has submitted that on the basis of viscera report, the Doctors had opined that the deceased died on account of consumption of 'Aluminum Phosphide'. Learned State counsel has however informed that none of the cited 30 PWs have been examined so far.
5. Having regard to the facts and circumstances of the present case and while noticing that the petitioner has been behind bars since last more than 8 months and also that it would certainly be debatable as to whether or not it was on account of liquor provided by the petitioner that the deceased had lost his life, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars as conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail

bonds/surety bonds to the satisfaction of learned trial Court/Chief
Judicial Magistrate/Duty Magistrate, concerned.

6. It is, however, clarified that none of the observations made above
shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

3.7.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**