

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-24889-2019

Date of Decision:04.06.2019

Onkar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. S.S. Momi, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.320 dated 07.12.2018 under Section 304 IPC, registered at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner has argued that the petitioner is in custody since 08.12.2018, whereas the deceased-Harmanpreet Singh who was in Army had died on 06.12.2018 during the course of treatment. As per FIR registered at the behest of Shingara Singh, who is father of the deceased, the marriage of deceased-Harmanpreet Singh was fixed for 05.12.2018 with Harpreet Kaur, daughter of Satnam Singh, resident of village Navian Bagrian, District Gurdaspur. On 02.12.2018 at about 4.30 PM, the deceased had left home by saying that he is going to his friend

Onkar Singh (petitioner), Railway Coach Factory, Hussainpur. Though the

complainant had restrained him from going there, but as the petitioner was making repeated phone calls, the deceased had gone there by saying that he will return back. The complainant had been asking the deceased to stay away from the company of the petitioner as the complainant has come to know that the petitioner is a drug addict. The deceased had gone to the house of the petitioner, where the petitioner had injected a drug vaccination and got administered drug to his son by alluring him. Resultantly, the deceased became unconscious in the house of the petitioner. He was taken to L.L.R. Hospital, Rail Coach Factory, Hussainpur, from where he was referred to Kapurthala on account of his serious condition, where he died on 06.12.2018. He has further argued that the petitioner has no motive to inject the Morphine injection or administer drug. The deceased himself has taken the injection. Even otherwise, culpability as to whether the petitioner administered the injection is yet to be established during the course of trial. The deceased had died because of taking over dose of drug.

Learned State Counsel has filed the custody certificate of the petitioner and, on instructions from HC Jinder Lal, has argued that the deceased was working in the Army and his marriage was scheduled to be held on 05.12.2018. On 02.12.2018, the deceased had come on vacations and thereafter, gone to the house of the petitioner, where Morphine injection was administered by the petitioner and therefore, the deceased had died because of the act of the petitioner.

Heard learned counsel for the parties.

The petitioner is in custody since 08.12.2018 and the deceased had died because of over dose of Morphine injection. The act as to whether the petitioner has administered injection or the deceased himself has taken

the injection is yet to be established during the course of trial, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

June 04, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No