

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

CRM-M No.47768 of 2019 (O&M)

Date of Decision: 14.11.2019

Gurpreet Singh @ Gopi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amandeep Singh, Advocate for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab for the respondent/State.

Mr. Naveen Sharma, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.74 dated 06.03.2018, under Section 304-A of the Indian Penal Code, 1860 (Section 304-A, IPC deleted and Section 304, IPC added later on), registered at Police Station Sadar, District Ludhiana.

Contentends that petitioner is in custody since 27.05.2019; after investigation, report under Section 173 Cr.P.C. has already been submitted on 04.07.2019 and charges are yet to be framed. Also contends that as a matter of fact, deceased had died on account of overdose of some intoxicants and petitioner has no role at all. Further contends that even during investigation, nothing has been recovered from the petitioner.

The above factual position is duly acknowledged by learned State Counsel, on instructions from HC Balbir, but opposed the prayer on the premise that petitioner has made an extra judicial confession before Gurjinder Singh s/o Jagmail Singh, r/o Village Jhande, Police Station

Sadar, Ludhiana regarding his involvement.

Similar line of arguments is adopted by learned Counsel for the complainant and he has also opposed the bail.

Heard both sides and perused the paper-book.

Concededly, petitioner is in custody since 27.05.2019 and investigation is already over. Also to be noticed that charges are yet to be framed in this case, thus, trial is likely to take long time. This Court has gone through the extra judicial confession, made by petitioner, and the same reveals that deceased died on account of the overdose of some intoxicant.

Since it is a matter of trial to prove as to whether petitioner had played any role in the commission of the offence under Section 304, IPC or not? In view of the above, further incarceration of the petitioner would not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

November 14, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>