

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53615 of 2019

Date of Decision: 19.12.2019

Sunny

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Lakhwinder Singh Mann, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner points to the order passed by this court on 02.11.2019 in the case of a co-accused of the petitioner, i.e. Gurjeet Singh @ Jeeta (in CRM-M-31241 of 2019), which reads as follows:-

“By this petition, filed under the provisions of Section 439 Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Learned counsel for the petitioner submits that the deceased was a drug addict who had also undergone treatment at a drug de-addiction centre and consequently, the allegation that it was the petitioner who had poisoned him, is wholly unfounded.

Learned State counsel on instructions from the police official who is present in court to assist him, and from a perusal of the police file, submits that there is no evidence of the deceased having undergone a treatment at a drug de-addiction centre, however, the Gram Panchayat of his village has stated to the effect that he was in fact 'in bad company' and used to take drugs. He also, upon query, submits that though morphine has been found in the report of the chemical examiner as regards the viscera examination, no poison was

found by that laboratory. The histopathology report has however still not been received, on the opinion as to the cause of the death, with the petitioner admitted to have been in custody for the past 5 ½ months, with the charge still not framed and there being 18 prosecution witnesses still to be examined. IN that background, I deem it appropriate to admit the petitioner to bail.

Consequently, without making any comment on the actual merits of the case, for or against the petitioner, this petition is allowed with the petitioner to be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.”

Though in the present case the petitioner is seen to be the person who even dropped the deceased to his home, however, with no other finding as regards any poison detected in the viscera of the deceased so far at least, with the stage of the trial also not being any different to what had been recorded in the previous petition, the petition is allowed, with the petitioner ordered to be released on bail upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court/Duty Magistrate.

December 19, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.