

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9093-2020 (O&M)

Date of Decision:- 6.3.2020

Nishant Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.P.S.Sandhu, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by SI Daljit Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.193, dated 4.9.2019, Police Station Lopoke, District Amritsar Rural, Amritsar, under Sections 364, 302, 34 IPC.
2. The FIR in question was lodged at the instance of Sarwan Singh wherein he has stated that they are three brothers and that he is the eldest and younger to him is Gurmukh Singh and the youngest is Dilbagh Singh. It has been stated that his brother Dilbagh Singh was married to Lovedeep Kaur but since his brother Dilbagh Singh was addicted to drugs, his wife Lovedeep Kaur had left him and had left her matrimonial home along with her children about two years back and had not returned back. It is alleged that on 17.8.2019 at about 6 a.m., his brother Dilbagh Singh went out along with Gurpreet Singh

@ Gopi of their village but did not return back till evening. On the next day at about 11.30 a.m. Manjinder Singh of their village informed him that his brother was lying against the wall of grave of Gurbax Singh and that an injection along with a syringe was clenched in his right fist. The complainant along with his brother Gurmukh Singh and other villagers went to the said grave and saw that the dead body of his brother Dilbagh Singh was lying therein and blood was seen oozing from his anus. The complainant alleged that since his brother had gone out along with Gurpreet Singh, he suspected that Gurpreet Singh and his brother Nishant Singh who are engaged in drug business had administered some intoxicating substance to his brother or his brother might have consumed the same himself due to which he lost his life.

3. Learned counsel for the petitioner has submitted that even if the contents of the FIR are taken to be correct, the deceased admittedly was an addict whose wife had also left him on account of his addiction and in fact when his dead body was first noticed by another co-villager one injection and a syringe was found clenched in his fist. It has further been submitted that in any case it is Gurpreet Singh in whose company the deceased Dilbagh Singh was last seen when he left his house and in these circumstances the petitioner cannot be said to have any role to play in the alleged death of Dilbagh Singh. Learned counsel has further submitted that in any case even the post mortem report does not reveal existence of any external injury on the

dead body and which would clearly suggest that no force had been used on the petitioner for administering any drug to him.

4. Opposing the petition, learned State counsel has submitted that since the petitioner happens to be brother of Gurpreet Singh in whose company the deceased had left his home, the complicity of the petitioner is evident and therefore, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Keeping in view the facts and circumstances of the case and while noticing that it is not a case where any injury is alleged to have been caused to the deceased and in any case since the petitioner was not even seen in the company of the deceased, the petition merits acceptance. The petition, as such, is accepted. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
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.

March 6, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No