

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

(201)

CRM-M-11946-2020

Date of Decision: 18.11.2020

Gurpreet 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.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab,
assisted by ASI Balwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.193, dated 04.09.2019, 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 17.08.2019 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 it is a case of involvement of the petitioner merely on the basis of suspicion and that even if the FIR is taken to be correct, the deceased admittedly was a drug addict whose wife had also left him on account of his addiction. It has further been submitted that even as per the case of the prosecution when the dead body of the deceased was recovered, an injection and syringe were found clenched in his fist, which would clearly show that it is a case of overdose of drugs. It has also been submitted that even the post-mortem report does not suggest that any external injury has been caused to the deceased. Learned counsel has further submitted that the petitioner in any case deserves the concession of bail on grounds of parity since the co-accused Nishant Singh has already been granted bail by this Court.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, wherein it is alleged that the deceased had left the house in the company of the petitioner, no case for grant of bail is made out. Learned State counsel upon instructions from ASI Balwinder Singh has informed that the petitioner pursuant to the interim directions has joined the investigation and is cooperating with the police.
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 that the petitioner is stated to have joined investigation and is fully cooperating with the police, the petition merits acceptance. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 20.05.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also 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.

(GURVINDER SINGH GILL)
JUDGE

18.11.2020

Vimal

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**