

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

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CRM-M-41560-2020 (O&M)**Date of Decision: 16.12.2020**

Partap Singh @ Bobby & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vipin Mahajan, Advocate, for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Surjit Raj.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioners have approached this Court seeking grant of regular bail in respect of a registered vide FIR No.17 dated 26.2.2020 at Police Station Kalanaur, District Gurdaspur, Punjab under Sections 302 and 34 of Indian Penal Code.
2. The FIR was lodged at the instance of David Masih, wherein it has been alleged that on 25.02.2020 while he was standing in front of his house, then Ravi, Partap @ Boby and Kuljit Singh @ Sony came on motorcycle to the house of his uncle Dharmi Masih. It is alleged that later he saw that the aforesaid three persons took along Ravi Masih son of Dharmi Masih with them and went towards Village Barila Kalan. It is alleged that on the next day i.e. on

26.02.2020 Sajan Masih resident of Village Barila Kalan came upto him and told him that Ravi Masih was sleeping in his house and he was lying unconscious. When the complainant alongwith Sajan Masih went to his house, they saw Bobby, Soni and Ravi were present there. They all arranged for a vehicle and took Ravi Masih to Government Hospital, Kalanaur, where the doctor checked him and declared him to be dead. The complainant alleged that he suspected that Ravi Masih had been administered some intoxicating substance or some poisonous substance by the aforesaid four persons on account of which Ravi Masih had died.

3. The learned counsel for the petitioners has submitted that the deceased was an addict and had apparently died due to an overdose of drugs as would also be evident from the viscera report, wherein presence of '*morphine*' was detected.
4. Opposing the petition, the learned State counsel has submitted that since the deceased was seen last in the company of the petitioners, no case for grant of bail is made out. The learned State counsel has, however, admitted the fact that it is a case where the cause of death is on account of excessive consumption of '*morphine*'.
5. Having regard to the facts and circumstances of the case and while noticing that it appears to be a case of death on account of overdose of drugs and also that there is nothing on record to show that there was any enmity between the petitioners and the deceased, further detention of the petitioners will not serve any useful purpose. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their

furnishing bail bonds/surety bonds to the satisfaction of learned
trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.12.2020
Vimal

(GURVINDER SINGH GILL)
JUDGE

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