

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

CRM-M-52772-2019 (O&M)

Date of decision: 30.01.2020

Gurmito

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. J.S. Ghumman, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab
assisted by ASI Gurdial Singh.

H.S. MADAAN, J. (Oral)

This petition for regular bail has been filed by petitioner Gurmito, aged about 50 years, an accused in FIR No.31 dated 10.05.2019 for offences under Sections 304 and 34 IPC, registered with Police Station City Nakodar, District Jalandhar Rural.

Briefly stated facts of the case are that criminal machinery in this case was set into motion by complainant Kulwinder Kaur, aged about 48 years wife of Manjit Singh, resident of Village Allowal, City Nakodar, District Jalandhar Rural who by making statement to the police on 10.05.2019 stated that on 08.05.2019 at about 6 AM, her son Harpreet Singh @ Happy, aged about 22 years had returned home from Delhi and thereafter, have gone to purchase vegetables from the

market. When he returned home, he got a telephonic call and thereafter, he went away. At about 12.30 noon, Sunny son of Sokhi came to her house and informed that Happy was lying in the street and he had left Happy in house of Sunil @ Leela and that Happy was not feeling well. After sometime, Sunny and Sukhi brought Harpreet Singh @ Happy on a motorcycle and left him at his house. The complainant called Dr. Yadav who came and after medically examining Harpreet Singh @ Happy stated that his condition was quite bad. He asked the complainant to take him to Civil Hospital. The complainant accordingly removed Harpreet Singh @ Happy to Civil Hospital, where the doctor declared him dead. In her such statement to the police, the complainant stated that she had come to know that Harwinder Singh @ Budhu son of Paramjit Singh, Gurmito wife of Paramjit Singh, Sunil Pal @ Leela son of Mahinder Pal, Sunny @ Manak son of Sokhi and Gurjit Singh @ Jeeta having common intention had given overdose of intoxicant injection to Harpreet Singh @ Happy, as a result of which, he had died. After registration of formal FIR, the matter was investigated. Petitioner/accused Gurmito was arrested in this case on 11.05.2019.

She had filed an application for regular bail before Court of Sessions, however, that application was dismissed by Addl. Sessions Judge, Jalandhar, vide order dated 26.09.2019. Therefore, the petitioner has approached this Court praying for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely involved in this case. As a matter of fact, deceased was a drug addict and he had died as a result of consuming overdose of narcotic substance; the petitioner has nothing to do with his death; the co-accused of the petitioner, namely Gurjeet Singh @ Jeeta has already been granted the concession of regular bail by this Court, vide order dated 02.11.2019 passed in CRM-M-31241-2019. Therefore, the petitioner be also granted bail.

Whereas, learned State counsel is opposing the request.

After hearing the rival contentions, I find that keeping in view the facts and circumstances of the case and considering that co-accused of the petitioner, who was similarly placed has been granted regular bail; the FSL did not find any trace of poison in the viscera of deceased; the guilt of the accused shall be determined during the trial, under the circumstances, it is found proper and appropriate to grant concession of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail bonds and surety bonds to the the trial Court/CJM/Duty Magistrate, Jalandhar, subject to the following conditions:-

- (i) she shall appear in the Court on each and every date of hearing;
- (ii) she shall not give any threat or intimidation to the

prosecution witnesses; and

(iii) she shall not leave India without prior permission of the Court and shall surrender her passport, if she has got one, otherwise to furnish affidavit in that regard.

30.01.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No