

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

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**CRM-M-5329-2021
Date of decision: 02.03.2021**

GURPREET @ GURU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.61 dated 19.04.2020 registered under Sections 304 and 120-B of the Indian Penal Code, 1860 (for short, “the IPC”) at Police Station Navi Baradari, Police Commissionerate, District Jalandhar.

The above said FIR was registered on statement of complainant Roopa Chauhan, who alleged that she is doing the work of Parlour and health of her husband Sandeep Chauhan is not keeping well and he resides at home. She has two sons namely Gagandeep Singh and Amandeep Singh @ Kali. Her younger son Amandeep Singh @ Kali was confined in jail in a case and came from jail on 17.04.2020 on bail. On 18.04.2020 at about 11:00 A.M. her son went to the shop to

take kurkure. After some time, when she called on his mobile number, he told that he would come back in half an hour, but again when she called her son, he did not pick up the call. At about 12:30 P.M. she received a call from unknown person who informed that her son is lying unconscious near 40 Railway Quarter, Jalandhar. She went there along with her brother Rajesh Singh. They took Amandeep Singh @ Kali to Civil Hospital and thereafter to New Rubi Hospital, Jalandhar but he died during treatment. Amandeep Singh @ Kali used to roam with accused Sandeep Singh who along with other accused murdered her son by giving him the overdose of intoxicants. Pursuant to registration of FIR, the police investigated the case and on completion of investigation, charge-sheeted accused Sandeep Singh and Vishal @ Kaka to face trial under Section 304 and 120-B of the IPC.

The petitioner, being in custody since his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. Amandeep Singh @ Kali, who died due to drug overdose, had taken drug with Sandeep Singh @ Mushu. Sandeep Singh @ Mushu alleged in his disclosure statement that he and Amandeep Singh @ Kali had purchased drug from Vishal @ Kaka who named the petitioner as the person from whom he had purchased the contraband which was supplied by him to

co-accused Sandeep Singh @ Mushu. The petitioner has nothing to do with drugs. No narcotic drug or psychotropic substance was recovered from the possession of the petitioner. No case under the NDPS Act is pending against the petitioner. Deceased Amandeep Singh @ Kali was a drug addict and known criminal of the area. He remained in jail on allegations of snatching punishable under Section 379-B of the IPC and was released on bail on 17.04.2020. He died on 19.04.2020 in Hospital due to drug overdose. As per post-mortem report there were no external injuries on the body of the deceased and cause of his death was drug overdose. As per FSL report, no demonstrable blood was found in the samples of blood stains taken by the police from the deserted railway quarter from where the deceased was picked up after the alleged incident of drug overdose. There is no incriminating direct or circumstantial evidence against the petitioner as to commission of the alleged offences by him except the disclosure statement of the co-accused which is not of any evidentiary value against him. Similarly placed co-accused Vishal @ Kaka has been granted bail by this Court vide order dated 17.09.2020. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the deceased along with co-accused Sandeep Singh @ Mushu purchased drug from Vishal @ Kaka who purchased the same from the petitioner and drug overdose was given by co-accused Sandeep Singh @ Mushu to the deceased. In view of the nature of accusation against

the petitioner and gravity of the offences committed by him, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

On consideration of the submissions made by learned counsel for the parties and perusal of the material on record and keeping in view the facts and circumstances of the case, nature of accusation and circumstantial evidence against the petitioner, absence of any external injuries on the body of the deceased, prima-facie cause of death being drug overdose, there being no other case against the petitioner, parity with co-accused Vishal @ Kaka who has been granted bail vide order dated 17.09.2020 and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am of the considered view that the petitioner deserves concession of grant of regular bail.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.03.2021

Vishal

**(ARUN KUMAR TYAGI)
JUDGE**

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