

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

**CRM-M-11234-2021
Date of decision: 09.11.2021**

Gurmandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. S. Hundal, Sr. Advocate with
Ms. Taranbir Kaur Hundal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 33 dated 17.09.2020, registered under Sections 302, 201, 34 of the IPC at Police Station Airport, Police Commissionerate Amritsar.

Learned senior counsel has argued that as per allegations in the FIR, registered at the instance of complainant Amrik Singh, it is stated that he along with his sons was in the business of plying buses on rent and three persons, namely Dipreet Singh @ Babbu, Gurpreet Singh @ Gopi and Gurmukh Singh, who were creating hurdles in smooth running of their business, have committed the murder of his son Gurpreet Singh, whose dead body was found in a decomposed condition.

Learned senior counsel further argued that as per allegations

in the FIR, the deceased went from home on 15.09.2020, whereas the information was given to police on 16.09.2020, vide GD No. 27 and thereafter, the FIR was registered on the next day when the dead body was recovered.

Learned senior counsel further submitted that there is no specific allegation in the FIR that the petitioner has any meeting of mind with the aforesaid three persons with regard to commission of crime and it is only during investigation that the police has left out aforesaid three persons and as per the investigation, it is found that petitioner has given some narcotic substance to the son of the complainant on 15.09.2020 at about 9.30 PM and after consuming the same, he died.

It is further argued that as per the histopathological report regarding viscera of the deceased, no poison was detected and as per the opinion of the doctor, the cause of death cannot be commented upon because of non-conclusive report of Chemical Examiner and HPE.

It is also submitted that during investigation, when syringes were recovered at the place of occurrence, Section 29 of the NDPS Act was also added.

Learned State counsel, on the basis of the affidavit of the affidavit of the Investigating Officer, has submitted that as per call details of Dipreet Singh @ Babbu, Gurpreet Singh @ Gopi and Gurmukh Singh, it was found that they had no calls with the deceased nor their location was at the place where the dead body was found and, therefore, they were found innocent. It is further submitted that the names of the aforesaid three persons were given by the complainant on the basis of an earlier FIR No.

14 dated 18.01.2020, registered under Sections 323, 324, 326, 148, 149 of the IPC at PS-A Division, Amritsar City and due to their grudge, they were nominated in the present FIR by the complainant.

Learned State counsel further submitted that there is incriminating evidence in this case against the petitioner that he had made calls to deceased and has supplied narcotic substance to him and due to overdose of the Heroin, Gurpreet Singh died. It is also submitted that petitioner is involved in three more cases under the NDPS Act pertaining to recovery of 03/05 grams of Heroin.

Learned State counsel further submitted that charges have been framed on 02.08.2020, however, no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

This Court finds that in the FIR, a different version was given by the complainant levelling allegations against aforesaid three persons, whereas in the investigation, they were found innocent and on the basis of the disclosure of co-accused Dalbir Singh that it is the petitioner who had given Heroin to deceased and after consuming overdose of the same, he died, the petitioner was nominated in this case.

The fact that petitioner is involved in three more cases under the NDPS Act pertaining to recovery of 03/05 grams of Heroin in fact suggests that petitioner as well as the deceased were consuming the narcotic substance.

Therefore, without commenting anything on the merits of the case, considering the aforesaid facts and circumstances and also after

going through the report of HPE as well as opinion of the doctor regarding cause of death, which suggests that no comment can be given regarding cause of death as there is no conclusive report by the Chemical Examiner, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

09.11.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No