

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

CRM-M-35544-2021.
Date of Decision:-03.09.2021.

Jaspreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Suneet Pal Singh Aulakh, Advocate for the petitioner.

Mr. P.S. Walia, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.57 dated 21.03.2021 under Section 304, IPC, registered at Police Station Samrala, Ludhiana.

Learned counsel for the petitioner has submitted that even as per the prosecution version, the father of the petitioner had allegedly seen the petitioner giving toxic powder/medicine to his son and that the petitioner had run away after seeing the father of the deceased and it was thereafter, that the son of the complainant administered the said dose of powder/medicine through injection in his own body. Learned counsel for the petitioner has argued that surprisingly, the father of the deceased did not

stop the son from administering the said dose to himself when as per his own version only, he and his son were left at the place of occurrence. It is further stated that as per the prosecution case, the son of the complainant had gone to sleep and it was only on the next day that his health deteriorated on account of which he died.

In the present case even the FSL report/Chemical Examiner's report has not been received and, thus, the exact cause of death of the son of the complainant is not clear. The petitioner has never been involved in any other case and has been in custody for 05 months and 08 days, as per the custody certificate which is taken on record.

Learned State counsel has although opposed the bail petition but could not controvert the facts stated by the learned counsel for the petitioner. He has pointed out that challan in the present case has already been presented and the charges have been framed on 02.09.2021 and there are 18 witnesses and none of the witnesses have been examined as yet. In rebuttal, learned counsel for the petitioner has pointed out that although the challan has been presented but, however, nothing has been recovered from the petitioner.

Keeping in view the above-said facts and circumstances, moreso, the fact that in the present case the father of the deceased even as per the prosecution case was left alone with the deceased son yet no attempt was made to stop him from injecting himself as well as the fact that the FSL/Chemical Examiner's report has not been attached with the challan and, thus, the exact cause of death is also not known, that the petitioner, who is

never involved in any other case has been in custody for the last 05 months and 08 days and the challan has been presented and none of the 18 witnesses have been examined and the trial is likely to take time, this Court deems it appropriate to allow the present petition and grant regular bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

September 03, 2021.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.