

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

CRM-M-36726 of 2021

Date of Decision: 01.10.2021

Gurlovedeep Singh

Petitioner

Versus

State of Punjab.

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. G. K. Maan, Senior Advocate with
Mr. Gursewak Singh, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 11 dated 19.1.2021, under Sections 304 and 201 IPC, registered at Police Station Sarhali, District Tarn Taran.

The FIR was at the instance of Tajinder Singh. As per the allegations, his brother Gurbinder Singh (deceased) went to the house of Gurlovedeep Singh (petitioner) on 15.1.2021. At about 9.00 PM, the deceased telephonically informed his mother that he had consumed excessive liquor and will stay back in the house of the petitioner. When the deceased did not return on the next day and his phone was found switched off, the family approached the petitioner who gave no satisfactory reply. As per the allegations, earlier the deceased used to take drugs along with the petitioner but later he had given up the habit. A dead body was brought to

Civil Hospital, Tarn Taran which was identified by the complainant as of his brother. In the post-mortem report, the cause of death was due to drug poisoning and morphine and aluminium phosphate were detected in the viscera.

Learned senior counsel for the petitioner submits that the petitioner is in custody since 21.1.2021, investigation is complete, no recovery is to be made, the petitioner and the deceased were drug addicts and it is a case of drug over-dose.

Learned counsel for the State opposes the prayer for grant of regular bail. She, on instructions of ASI Kashmir Singh, submits that the allegations are serious and a human life is lost. She further submits that the challan stands presented and charges have been framed.

Considering that the petitioner is in custody since 21.1.2021, investigation is complete, charges have been framed, no recovery is to be made, the cause of death whether it was drug poisoning or drug over-dose is a debatable issue and the petitioner has no criminal antecedents, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

1st October, 2021
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1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes