

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

(Sr. No. 222)

CRM-M No. 40800 of 2021

Date of decision : 01.12.2021

Jagmeet Singh @ Jagga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Ms. Harpreet Kaur, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No. 234 dated 02.11.2020 registered
under Sections 304/34 IPC at Police Station City Kotkapura, district
Faridkot.

Briefly stated, the case of the prosecution is that on
02.11.2020, at about 07:00 a.m., co-accused Sunny Sharma called up the
complainant to inform him that his son namely Akashpreet Singh
(deceased) was admitted in a hospital in an unconscious state. The
complainant reached the hospital and found the petitioner and co-accused
Sunny Sharma over there. They told the complainant that the previous night
the deceased consumed liquor and slept in the car. Later he became sick and
was brought to the hospital.

Akashpreet Singh died in the hospital and on the basis of suspicion by the complainant that he may have been poisoned by the petitioner and his co-accused, the aforesaid FIR was registered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the FIR was registered on the suspicion expressed by the complainant that the petitioner and co-accused Sunny Sharma may have poisoned the deceased but the samples drawn from the deceased do not reveal any poison; the petitioner is in custody since 03.11.2020; the investigation in the case is complete and therefore the petitioner is not in a position to influence the same; through an order of this Court dated 29.07.2021 passed by a Coordinate Bench in CRM-M No.18784 of 2021 co-accused Sunny Sharma, who is identically placed as the petitioner, has been granted regular bail and that since 14 prosecution witnesses still remain to be examined in the petitioner's trial the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is accused of a serious crime under Section 304 IPC and is also involved in 04 other criminal cases under the NDPS Act.

Whether the deceased died only due to excess consumption of alcohol on his own or whether the petitioner had a role in the same would be debated during the course of the petitioner's trial. However, the petitioner is in custody since 03.11.2020; investigation in the case is complete; the suspicion that the deceased may have been poisoned by the petitioner and on the basis whereof the FIR in question was registered stands negated by the report of the chemical examiner as no poison was found in the

deceased's samples; co-accused Sunny Sharma, who is identically placed as the petitioner, has been granted regular bail by this Court and that since 14 prosecution witnesses still remain to be examined in the petitioner's trial the same may take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Faridkot the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

01.12.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No