

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-40925-2021 (O&M)
Date of Decision:-5.10.2021

Mohit Mall

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.71 dated 31.03.2021 at Police Station City Gurdaspur, District Gurdaspur, under Sections 304/34 IPC.
2. The FIR was lodged at the instance of Vishal Kumar, wherein it is alleged that his son Rahul Kumar, aged about 24 years, fell in bad company and got addicted to intoxicants and about 4 months ago, he had got him admitted in de-addiction centre at Dharampur, Himachal Pradesh. His son was brought back to Gurdaspur on 20.03.2021. It is alleged that on 21.03.2021 at about 1.30 PM, his son's friends took his son along, outside his house and it was

around 6.45 PM that his friends dropped him at home. However, the complainant's son was not speaking and therefore, the complainant took him to Arora Hospital and thereafter got him admitted in Civil Hospital, Gurdaspur, where he was declared dead. The complainant alleged that initially he did not know about the reason of his son's death, but has now come to know that he had been poisoned with some intoxicating poisonous substance, which was administered by Mohit Mal (petitioner) and Rahul son of Ashwani Kumar.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that a perusal of the FIR itself would show that the petitioner's son was an addict and in fact on an earlier occasion he has even been admitted in de-addiction centre. It has further been submitted that no motive whatsoever has been attributed to the petitioner for causing the alleged murder. Learned counsel has further submitted that it is apparently a case of an over dose of drug, which the deceased had voluntarily taken on his own accord and that there is nothing to show that it is the petitioner, who has administered the said intoxicant to him.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, his complicity is clearly evident and as such, it cannot be presumed that he is innocent.
5. I have considered rival submissions addressed before this Court.
6. It is a case where the complainant himself admits that his son Rahul (deceased) was a drug addict and at one point of time, he was also got admitted in de-addiction centre. As per the post-mortem report, the death is attributed on account of over dose of drugs. This Court further finds that

while the death had taken place on 21.03.2021, the complainant did not raise suspicion against anybody when proceedings under Section 174 Cr.P.C. were conducted and it was after about 10 days of the death of his son, he came out with the allegations against the accused on account of which the FIR came to be lodged. In any case, challan already stands presented and as such, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time.

7. Having regard to the above stated facts and circumstances of the case particularly that the facts point towards the death on account of over dose of drugs and that there being no evidence at this stage that it is the petitioner, who had administered the said drugs to the deceased, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

5.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No