

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

(1) CRM-M-41280 of 2020 (O&M)
Decided on:- February 05, 2021.

Hemant Malik.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

(2) CRM-M-29875 of 2020 (O&M)

Ramandeep Singh Bakshi.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner in CRM-M-41820-2020.

Mr. Shiva Khurmi, Advocate
for the petitioner in CRM-M-29875-2020.

Mr. Sidakmeet Singh Sandhu, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This order shall dispose of the aforementioned two petitions filed by petitioners Hemant Malik and Ramandeep Singh Bakshi under Section 439 Cr.P.C. for grant of regular bail as the same have arisen from common FIR i.e. FIR No.10 dated 09.01.2020 under Sections 304 and 201 read with Section 34 IPC registered at Police Station Division-A, District Police Commissionerate, Amritsar.

However, for convenience and clarity, detailed order is being passed in *CRM-M-41280 of 2020* titled as *Hemant Malik Versus State of Punjab*.

As per the FIR, on 08.01.2020, three young men took a room on rent in a guest house of complainant Satish Gupta. On the next morning, the complainant noticed that two of them were carrying the dead body of third in a bed-sheet. Seeing the complainant, they fled away from the spot after leaving the dead body wrapped in a bed-sheet. Petitioner Hemant Malik was one of them, who booked the room and was also found carrying the dead body of deceased Simarjit Singh. It is alleged that Simarjit Singh had died due to overdose of intoxicant drugs administered to him by the petitioners.

Learned counsel for the petitioners have argued that petitioner Hemant Malik is in custody since 17.02.2020, whereas petitioner Ramandeep Singh Bakshi is in custody since 16.01.2020. Challan in the case has been presented and the charges are yet to be framed. At the most, the allegations against the petitioners are that they forced the deceased to consume heroin and on account of overdose of the same, he had died. However, had the force been used by the petitioners, there would have been marks of injuries on the body of the deceased, but in the post-mortem report, no injury was found on the body of deceased. Therefore, at the most, the petitioners may be held guilty under Section 201 IPC as the deceased had died due to overdose of the drug. Challan in the case suggests that the motive to commit offence is badly missing. The disclosure statements made by the petitioners in custody of the police have no legal sanctity.

Learned State counsel has not disputed the custody of the petitioners. When the Court has put a specific question as regard the injury on the body of deceased, learned State counsel is fair enough in informing that no injury was found on the body of deceased.

Having heard learned counsel for the parties and considering the fact that petitioner Hemant Malik is in custody since 17.02.2020, whereas petitioner Ramandeep Singh Bakshi is in custody since 16.01.2020 coupled with the fact that no injury was found on the body of the deceased and at the most, the allegations against the petitioners are that they forced the deceased to consume overdose of heroin and this matter is certainly required to be established during the trial, which is not likely to be concluded in near future, this Court deems it appropriate to admit the petitioners on bail.

Accordingly, the present petition is allowed and both petitioners are ordered to be released on bail on their furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

Photocopy of this order be placed on the file of other connected case.

February 05, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No