

CRM-M-50100-2021

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

(244)

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Date of Decision:-14.12.2021.

Amarjit Singh alias Gopy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prince Sharma, Advocate for the petitioner.

Mr. Sarabjit S.Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.106 dated 01.08.2021 under Sections 304/34 of IPC, registered at Police Station Sadar Patti, District Tarn Taran, Punjab.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated inasmuch as no post-mortem was conducted after the death of Kawaljeet Singh and the present petitioner is an athlete and he has never consumed any drug and he is ready to get himself checked to prove that he has never consumed drugs. It is further submitted that as per the version in the FIR, the petitioner had taken the deceased and had left him at the house of the complainant in an unconscious condition at 4.30 p.m. and thereafter his death had taken place

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around 8.30 p.m. to 9.00 p.m., which would show that there was an unexplained delay of 4 hours in taking the deceased for medical treatment. It is further submitted that in fact the deceased was a drug addict himself and died on account of drug over dose and the petitioner had nothing to do with the same.

Learned State counsel, on the other hand, has opposed the petition for grant of anticipatory bail to the petitioner and has submitted that as per the prosecution version, the family members of the deceased used to restrain the petitioner and the co-accused Jugga from taking the deceased with them for consuming drugs and it is further their allegation that on 31.07.2021, at about 8.00 am to 8.30 a.m., the petitioner along with Jugga had arrived at their house and despite their opposition, had forcibly taken the deceased to Patti City and at about 4.30 p.m. they had left the deceased at the complainant's house in an unconscious state. It is, thus, submitted that the petitioner was the last person who was present with the deceased before he was left at the complainant's house in an unconscious state and as per the prosecution, there were marks of injection on his right arm, which was swollen and his condition was very serious. It is submitted that the custodial interrogation of the petitioner is required in order to find out the role of the petitioner and to see as to whether the petitioner and the co-accused had forcibly administered some drugs to the deceased or not. It is further submitted that the post-mortem was conducted and the viscera report is awaited.

This Court has heard the learned counsel for the parties and perused the record.

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As per the prosecution version, the petitioner, along with Jugga, used to take Kawaljeet Singh (deceased) along with him to consume drugs in spite of the family members of the deceased restraining the said persons from doing the same and on 31.07.2021 at about 8.00 to 8.30 a.m., the petitioner along with Jugga had forcibly taken the deceased to Patti City, despite the opposition from the family members and had thereafter thrown the said son (deceased) in an unconscious state at the complainant's house at 4.30 p.m and the physical condition of the said son was very serious and his arm was swollen and there were injection marks on his right arm. As per the prosecution case, it was the petitioner who was last accompanying the said Kawaljeet Singh, while he was still conscious. As per the prosecution version, the condition of the said Kawaljeet Singh became worse and thereafter he was taken for treatment but on the way, even before the treatment could be given, he died and the whole process took some hours and, thus, it cannot be prima facie said that there was an unexplained delay as is sought to be argued by the learned counsel for the petitioner. Even the argument of the learned counsel for the petitioner that no post-mortem was conducted is not factually correct, inasmuch as the postmortem was conducted.

In view of the serious allegations made against the petitioner in the FIR, the petitioner is not entitled to grant of anticipatory bail and accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed

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independently of the observations made in the present case which are only
for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

December 14, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No