

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

CRM-M-1414-2022

Date of decision: 02.06.2022

Gursewak Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gurbir Singh Sidhu, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Mohit Kumar, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.120 dated 20.10.2021, registered at Police Station Maur, District Bathinda, under Section 304 IPC.

Status report dated 01.06.2022, by way of affidavit of the Deputy Superintendent of Police, Sub Division Maur, District Bathinda, filed in the Court today, is taken on record.

Learned counsel for the petitioner submits that as per the allegations, the petitioner had given overdose of intoxicant to Lovepreet Singh, son of the complainant, who died on 02.10.2021; that the alleged occurrence took place on 02.10.2021 whereas the above-noted FIR was registered on 20.10.2021 i.e. after a delay of 18 days; that no post-mortem of the deceased had been conducted, and that even the mobile number, as referred by the complainant in the FIR, does not belong to the petitioner.

Learned counsel further submits that at now, complainant-Gurcharan Singh has sworn an affidavit dated 24/25.03.2022 (Annexure P-3), stating therein that the petitioner had not supplied any intoxicant to his son for consumption and that he has no objection, if the above-noted FIR is quashed. Learned counsel for the contends that the petitioner has been in custody since 19.11.2021.

On the other hand, learned State counsel opposes the grant of bail to the petitioner. However, he does not dispute the fact that no post-mortem of the deceased had been conducted. He also submits that challan has since been presented and that out of six witnesses, none has been examined so far.

Learned counsel for the complainant does not dispute the contents of the affidavit sworn by the complainant.

I have heard the learned counsel for the parties.

There is a delay of 18 days in the registration of the present FIR. The post-mortem of the deceased had not been conducted. Moreover, the complainant has also sworn the affidavit (Annexure P-3) stating therein that it was only on the suspicion, the mobile number of the petitioner had been given.

The petitioner has been in custody since 19.11.2021. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his

furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

02.06.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No