

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-1991-2022
Decided on : 20.07.2022

Dalbir Singh @ Bhola

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. H. S. Sandhu, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 33 dated 17.09.2020 under Sections 302, 201, 120-B and 34 of the Indian Penal Code, 1860 read with Sections 29, 61 and 85 of the NDPS Act, 1985 registered at Police Station Airport, Amritsar (Rural).

Learned counsel for the petitioner as submitted that in the present case, the petitioner has not been named in the FIR and the complainant Amrik Singh had specifically named three persons i.e. Dilpreet Singh @ Babu, Gurpreet Singh @ Gopi and Gurmukh Singh as the persons who were responsible for the death of Gurpreet Singh, son of the complainant. It is further submitted that as per the the prosecution case, on 21.09.2020, the petitioner was nominated on the basis of

CCTV footage which showed that the petitioner and the deceased were together and even on the basis of the call details. It is argued that the disclosure statement of the petitioner was recorded on 25.09.2020 and even as per the said disclosure statement, it was Gurmandeep Singh, co-accused, who had supplied the drugs to the petitioner and to the deceased and the deceased Gurpreet Singh opened the said stuff and put the same into two syringe injections after taking them out from the bag and gave some stuff to the petitioner and thereafter, the said Gurpreet Singh injected himself on the arm under the biceps and immediately thereafter, the said Gurpreet Singh fainted and died. It is further argued that even if the said version is taken on face value, then also it comes out that the deceased was a drug addict and he had injected himself with heroine and thereafter, had died and the petitioner cannot be held responsible for the murder of said Gurpreet Singh. It is contended that as per the chemical engineer's report dated 10.11.2020 (Annexure P-9), no poison has been detected in the deceased's samples and the Medical Officer, Civil Hospital, Amritsar has opined that the cause of death cannot be commented upon because of non conclusion of the report of chemical examination. It is further argued that the co-accused of the petitioner namely Gurmandeep Singh has been granted regular bail by a coordinate Bench of this Court vide order dated 09.11.2021 passed in CRM-M-11234-2021. It is contended that the petitioner has been in custody since 23.09.2020 and there are as many as 36 prosecution witnesses out of whom only one witness has been examined

and after the examination of the said one witness, an application under Section 319 Cr.P.C. has been moved and thus, the trial is likely to take time. It is further argued that the petitioner is not involved in any other case.

Learned State counsel has opposed the present application for regular bail and has submitted that the petitioner was present with the deceased as is apparent from the CCTV footage and also from the call details and has also given an extra judicial confession before Gurpal Singh son of Dilbag Singh. The other facts as mentioned by learned counsel for the petitioner have not been disputed by learned State counsel.

Learned counsel for the petitioner, in rebuttal, has submitted that the said Gurpal Singh has given an affidavit to the effect that neither he knows the present petitioner, nor the present petitioner spoke about the death of Gurpreet Singh in front of Gurpal Singh.

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

The petitioner has been in custody since 23.09.2020 and there are as many as 36 prosecution witnesses out of whom only one witness has been examined and after the examination of one witness, an application under Section 319 Cr.P.C. has been moved and thus, the trial is likely to take time. The petitioner is not involved in any other and was not named in the FIR, and the complainant Amrik Singh had specifically named three persons i.e. Dilpreet Singh @ Babu, Gurpreet

Singh @ Gopi and Gurmukh Singh alleging that they had committed the murder of his son Gurpreet Singh. A perusal of the disclosure statement of the petitioner dated 25.09.2020 (Annexure P-4) would show that it has been stated that the petitioner and the deceased had taken heroin from Gurmandeep Singh, co-accused, and the deceased had put the same into syringe injections after taking them out from the bag and had given the same stuff to the petitioner also and then Gurpreet Singh had injected himself on his arm under the biceps and thereafter, had become silent and had fainted and did not move. As per the report dated 10.11.2020 (Annexure P-9) of the Chemical Engineer, it has been found that there was no poison detected in the deceased's samples and as per the report of the Medical Officer dated 25.11.2020, it has been observed that the cause of death cannot be commented upon because of the non conclusion of the report of chemical examination. The co-accused of the petitioner Gurmandeep Singh has already been granted the concession of regular bail vide order dated 09.11.2021 passed in CRM-M-11234-2021.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

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

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

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

20.07.2022
Mehak

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