

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

**CRM-M-4106-2022
Date of decision: 10.05.2022**

Manish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 610 dated 10.10.2020, registered under Sections 302, 328, 34 of the IPC at Police Station Baldev Nagar, District Ambala.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Dheeraj Kumar, it is stated that his son Sajan @ Mowgli was doing the business of supplying milk to Vita Milk Plant. On 09.10.2020, his son Sajan @ Mowgli was called by Rahul and petitioner Manish at around 11:00 AM, however, he did not come back home overnight. On 10.10.2020, at about 5 O' clock in the morning, Rahul and Manish left complainant's son Sajan @ Mowgli on the main road leading to complainant's house and Manish came to complainant's house and informed that his son is lying in unconscious condition in the street. Thereafter, the complainant and his other son Ankit reached at the spot and saw that Sajan @ Mowgli is lying on the ground in

unconscious condition. They brought him to their home. After sometime, seeing that his condition is deteriorating, Sajan @ Mowgli was taken to Civil Hospital, Ambala, where he was declared dead.

Learned counsel for the petitioner further submits that there is no specific opinion in the histopathological report regarding cause of death as during investigation, the police has recovered certain syringes and injections at the spot, which were sent to FSL and it is reported that ***“Promethazine, an antihistamine drug was detected in exhibits 2a, 2b, 2c, 2d, 2e and 2f.”***

Learned counsel for the petitioner further submits that no poison was detected in the dead body of the deceased and, therefore, the cause of death is yet to be ascertained, as per report of the FSL, Madhuban.

Learned counsel further submits that the deceased was in fact a drug addict and he has died due to overdose of the drugs and the petitioner has no role in the death of Sajan @ Mowgli.

Learned State counsel, on the basis of the affidavit of the DSP (Hq.), Ambala, has, however, opposed the prayer on the ground that five injections were recovered, out of which, four injections were in broken condition and were sealed and sent to FSL. It is further submitted that in the postmortem report, there is an injury i.e. injury No. 4, which is a punctured wound on the junction of upper and middle 1/3 forearm, which may reflect that deceased was forcibly administered the aforesaid injections, though the same were found to be of the nature of anti-allergic.

Learned State counsel further submitted that till date, out of total 21 prosecution witnesses, none has been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the petitioner and also in view of the fact that the petitioner is in judicial custody for the last 01 year, 06 months and 28 days and conclusion of trial is likely to take some time as no prosecution witness has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

10.05.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No