

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4619-2022 (O&M)
Date of decision: 18.04.2022

Jagsir Chand @ Kakku Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Sandhu, Advocate and
Ms. S.P.K. Phoolka, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.267 dated 15.12.2021 under Section 304 IPC and Section 29 of NDPS Act, registered at Police Station Canal Colony Bathinda, District Bathinda.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Roshan Lal, his nephew Ravi Singh lives with him and used to visit his another nephew Dimple Kumar and Kaku. All these persons are doing the business of selling intoxicant material and he was stopping them. Due to this reason, accused persons have forcibly given intoxicant substance to his nephew Ravi Singh on the date of incident and he was found unconscious near the railway line and later on died. It is further

submitted that one co-accused of the petitioner, namely Sunil Kumar has been granted the concession of interim anticipatory bail by the Coordinate Bench of this Court vide order dated 21.01.2022 passed in CRM-M-2296-2022.

Learned counsel has further submitted that from bare perusal of the FIR, it is apparent that there no allegation that the petitioner had forcibly administered any intoxicant substance to the deceased and even it is not case of the prosecution that the petitioner had any *mens rea* to cause death of the deceased, as he himself was a drug addict and died due to overdose. It is also submitted that it will be a matter of trial whether the petitioner has any link with the commission of offence. It is next submitted that there is no FSL report to support the case of the complainant that the deceased was forcibly administered any intoxicant substance by the accused persons. It is lastly submitted that the petitioner is in custody for the last 03 months and 26 days; he is not involved in any other case and challan stands presented.

Status report by way of affidavit of Deputy Superintendent of Police, City-I, Bathina as well as custody certificate dated 15.04.2022, filed in the Court today, are taken on record. As per this affidavit, cause of death as given by Assistant Chemical Examiner, Kharar is Myocarditis, multiorgan failure due to Aluminium Phosphide. Aluminium Phosphide, which is sufficient to cause death in ordinary course of nature. It is further stated in the affidavit that as per Chemical Examiner, the petitioner died due to Aluminium Phosphide poisoning and not due to overdose of heroine.

In reply, learned counsel for the petitioner has submitted that apparently, it seems to be a case of suicide, as Aluminium Phosphide, in

ordinary course of nature, cannot be forcibly administered to any person.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

18.04.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No