

214 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7034-2022

Decided on: 23rd February, 2022

Gurpreet Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 93, dated 30th April, 2021, under Section 304 Indian Penal Code, 1860, registered at Police Station City-I, Abohar, District Fazilka.
3. As per the case set up, complainant-Baldev Singh alleged that his son Sukhwinder Singh @ Sukha (deceased) had friendship with Gurpreet Singh (petitioner) who was a drug addict. On 29th April, 2021, petitioner came to the house of the complainant in a car and took his son along with him. On next day, complainant came to know that a body of young boy is lying in the mortuary of civil hospital, he identified the body as of his son. The allegations are that petitioner administered over dose of drugs to the deceased, he became unconscious and was abandoned near Bansal Factory at Abohar-Fazilka road.
4. Learned counsel for the petitioner submits that as per the PMR,

cause of death is over dose of drugs. It is a debatable issue as to whether an offence under Section 304 IPC is made out or not. Petitioner is in custody since 2nd May, 2021, investigation is complete and no recovery is to be made.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that human life was lost. He on instructions submits that alongwith dead body syringe containing Heroin was found. He further submits that petitioner was involved in another FIR though he was acquitted.

6. Without commenting upon the merits of the case, considering the nature of allegations, the gravity of offence, fact that investigation is complete, no further recovery is to be made and conclusion of the trial is likely to take time, petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

23rd February, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No