

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

207

CRM-M-9228-2022

Date of Decision :16.05.2022

Haroon Masih**..Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Gurmohan Singh Bedi, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.110 dated 29.10.2019 registered under Sections 302 and 201 of the IPC (Sections 473, 379, 411 and 482 of the IPC added later on) at Police Station Kalanaur, District Gurdaspur.

Learned counsel for the petitioner argues that in the present case, the petitioner has been roped in on the basis of suspicion and that too by alleging a story, which is inconsistent with the actual facts of this case. Learned counsel for the petitioner submits that the petitioner cannot be roped in either on the basis of the allegations mentioned in the FIR or with regard to the facts, which have emerged especially when there is no allegation that the petitioner administered the deceased with any intoxicant before he died as the said allegation is against the brother of the petitioner

namely, Ajay Masih. Learned counsel for the petitioner further submits that the story of the death by injecting intoxicant is falsified from the medico legal report, according to which, the cause of the death is injury to the neck muscles, vessels and Lyrax leading to hemorrhage and shock, which injury suffered by the deceased, described as injury No.2 in the postmortem report. Learned counsel for the petitioner further submits that even otherwise, mother of the deceased has already been examined and, therefore, there is no apprehension with regard to influencing any material witness by the petitioner. Learned counsel for the petitioner prays that the petitioner, who is behind the bars for the last two and a half years may kindly be extended benefit of regular bail.

Learned State counsel submits that the petitioner alongwith his brother namely, Ajay Masih was involved in administering an overdose of intoxicant to the deceased and as an overdose was administered to the deceased as per the statement of the one of the witness namely, Sukhwinder Singh, who was running a Chemist shop and according to him, he was called by the brother of the petitioner when the deceased fell unconscious and, therefore, as both the brothers are involved in the crime, the prayer of the petitioner for the grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, there is no allegation so far against the petitioner that the petitioner administered an overdose of intoxicant to the deceased before he died. The said allegation relates to the co-accused Ajay Masih, who is a brother of the petitioner. Further, record shows that as per the medico legal report, the death is due to the injury No.2 and there was no

poison found in the body of the deceased. No allegation that the petitioner ever met the deceased or inflicted injury upon him has been brought to the notice of this Court and the said allegation is missing even in the challan submitted by the police.

Keeping in view the facts and circumstances noticed hereinbefore, coupled with the fact that the mother of the deceased has already been examined and that the trial is likely to take some time before it concludes, no useful purpose will be achieved by keeping the petitioner behind the bars especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 16, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No