

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-16631-2022
Decided on :25.05.2022

AJAY KUMAR

. . . Petitioner

Versus

STATE OF PUNJAB

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 15 dated 25.02.2021 under Sections 304, 34, 120-B of IPC, 1860 registered at Police Station Daba, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, as per the FIR, Parkash Singh @ Nannu used to take intoxicants earlier but stopped later and started taking medicines for leaving intoxicants. It is submitted that in fact, the deceased was a drug addict and even a perusal of the postmortem report would show that there were multiple injection points on both sides of his body. It is contended that in the present case, there is no eye witness and the FIR has been registered by levelling allegations to the effect that Rita Rani, Poonam and the present petitioner have given some wrong injection to the deceased on account of which he has died. It is further contended

that there is no injury on the body of the deceased and the circumstances in the present case indicate towards the fact that the deceased who was a drug addict, had taken an overdose of some intoxicants, on account of which, he has died. It is argued that Rita Rani as well as Poonam have already been granted the concession of interim bail and the present petitioner has been in custody since 08.02.2022 and the challan has been presented and the investigation is complete and out of the 20 witnesses, none has been examined and thus, conclusion of the trial is likely to take time. It is further argued that the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the FIR, there was a dispute between Rita Rani, Poonam and Ajay Kumar on one side and the deceased on the other side and thereafter, it was found that the deceased had died on account of an injection administered by the accused persons and the complainant has specifically stated that it is said Rita Rani, Poonam and the petitioner who were responsible for the same.

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

The petitioner has been in custody since 08.02.2022 and the challan has already been filed. There are as many as 20 witnesses out of which, none has been examined till date and thus, the conclusion of trial is likely to take time. The petitioner is stated to be not involved

in any other case. The co-accused of the petitioner, namely, Poonam and Rita Rani have already been granted the concession of interim bail. A perusal of the FIR would show that even as per the complaint, the deceased used to consume intoxicants and had died on account of taking a wrong injection and even as per the postmortem report, there are multiple injection points present on the body of the deceased, and in the present case there is no eye witness. Whether the present case is a case wherein, the petitioner along with the other co-accused have administered a wrong injection to the deceased or is it a case where the deceased had a history of being a drug addict, injected himself with intoxicants and died on account of overdose, would be a matter of debate which would be adjudicated upon during the course of trial.

Keeping in view the above-said facts and circumstances, the present petition for regular bail is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/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 Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

May 25th, 2022
neelam

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