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

CRM-M-23226-2022

Date of Decision: 27.07.2022

NAVJINDER SINGH @ NEETA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.K Singla, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.(Oral)

The petitioner seeks the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.02 dated 03.01.2022 registered under Sections 304 and 34 IPC, 1860 (Act No.45 of 1860) at Police Station Sadar Mansa, District Mansa.

2. The FIR came to be registered at the instance of Saudagar Singh son of Gurdev Singh, who stated that he had two sons and a daughter. On 01.01.2022 at about 11.00 AM Navjinder Singh alias Neeta son of Tehal Singh (the present petitioner) called his son Sukhwinder Singh (deceased). Thereafter, the complainant came to know that his son Sukhwinder Singh had received injuries. On this, the complainant went to the house of the petitioner and made a phone call to him from his

mother's phone and inquired from him as to the whereabouts of his (complainant's) son Sukhwinder Singh. The petitioner told the complainant that he was grazing goats in the field. The complainant went to the petitioner and asked him as to the whereabouts of his son to which no response was given by the petitioner. Thereafter, an announcement was got done on a speaker as to the whereabouts of Sukhwinder Singh. On a search being conducted, the dead body of Sukhwinder Singh was found on a Kuccha passage near the canal minor. The complainant thereafter came to know that Navjinder Singh alias Neeta (the present petitioner) and Gagandeep Singh alias Gaggi son of Jagsir Singh had administered an overdose of an injection of white powder (heroin/drugs) because of which Sukhwinder Singh had died.

3. The learned counsel for the petitioner submits that as per the PMR (Annexure P-3) of the deceased no injury was found on his person. As per the report of the Chemical Examiner (Annexure P-4) no poison was detected in the body of the deceased. Similarly, when medical opinion was sought as to the cause of the death of the deceased, the report (Annexure P-5) given was as under:-

“FIR NO.02 Dated:- 03.01.2022 U/s 304/34 IPC

After going through PMR report (PMR/SB/01/CH MANSA/2022) & chemical examiner report from Kharar Mohali dated 09.03.2022 No.1233, The definite cause of death can't be given, however circumstantial evidence due credence.”

The petitioner thus, contends that there is absolutely no evidence against the petitioner of having committed the offence in question i.e. giving an overdose of some drug to the deceased leading to his death.

4. On the other hand, the learned State counsel has filed a short reply dated 19.07.2022 on behalf of the respondent-State by way of an affidavit of Butta Singh, PPS, Deputy Superintendent of Police, Sub Division Mansa, District Mansa and the same is taken on record. As per the said reply, the petitioner had given his disclosure statement during the course of investigation admitting to the commission of the offence. Further, he is said to have made an extra-judicial confession before one Bhadur Singh. However, the counsel for the State fairly concedes that a reading of Annexures P-3 (PMR), P-4 (Chemical Examiner's Report) and P-5 (doctor's opinion), there is nothing to suggest that the deceased had died on account of a drug overdose. He, however, submits that it would be a matter of adjudication during the course of trial as to the cause of death and the said fact cannot be appreciated for the purposes of grant bail at this stage.

6. I have heard the rival contentions of both the parties.

7. The petitioner has been in custody since 07.01.2022 and none of the 18 prosecution witnesses have been examined so far. He is a first-time offender without any criminal antecedents. It would certainly be a matter of adjudication during trial as to whether the prosecution

version against the petitioner and his co-accused is sustained in the face of the reports/opinions (Annexure P-3 to P-5).

8. In view of above, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

9. Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.07.2022

JITESH

Whether speaking/reasoned Yes/No

Whether reportable Yes/No