

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

CRM-M-44484 of 2021(O&M)

Date of Decision:- 19.05.2022

Vishal Singh and another

....Petitioners

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Amaninder Singh Sekhon,
Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

CRM-M-18449-2022

Allowed. Annexures P-4 to P-6 are taken on record.

CRM-M-44484 of 2021

Prayer is for grant for regular bail to the petitioners in case having FIR No.43 dated 11.06.2021 registered under Sections 304/34 IPC, Police Station Sadiq, District Faridkot.

As per the allegations in the FIR deceased Lovepreet Singh son of complainant Sarabjit Kaur left the house on 10.06.2021 along with his friends namely petitioners Vishal Singh and Prince Singh. In the evening complainant came to know that his son Lovepreet Singh was lying on a bench in the park. Then she went

there and found that his son Lovepreet Singh was lying dead on the bench. Lovepreet Singh was taken to a hospital at Faridkot, where the concerned doctor declared him dead. The complainant suspected that petitioners administered some poisonous medicine to his son which resulted death of Lovepreet.

The counsel for the petitioners submitted that the entire case is based on circumcumstantial evidence and that as per the report of FSL morphine was detected in the viscera of deceased. The counsel further submitted that the deceased was drug addict as is evident from the testimony of PW2 Baljit Singh. He futher submitted that no one had seen the petitioners injecting anything in the body of Lovepreet Singh. He further submitted that petitioners are in custody since 11.06.2021 and it will take time to conclude the trial.

The present petition is contested by the State counsel who submitted that petitioners are facing charges under Section 304 IPC. The counsel further submitted that on the day of occurrence Lovepreet Singh left the house along with both the accused and thereafter his dead body was found lying in a park. The counsel further submittted that as per report of FSL morphine was found in the viscera of deceased. The counsel further submitted that even during the trial the complainant testified that the petitioners intentionally injected/gave some intoxicating substance to Lovepreet Singh. State counsel further submitted that the present petition deserves to be dismissed.

I have heard the counsel for both the parties.

Admittedly, the FIR in the present case was registered under Section 304 IPC against the petitioners , in which, it has been alleged that both of them injected or otherwise administered some poisonous medicine to Lovepreet Singh. As per the report of chemical examiner morphine was detected in viscera of deceased. The entire case is based on circumstantial evidence. Admittedly, complainant Sarabjit Kaur and one Baljit Singh have been examined in the trial Court after framing of charges. As per testimony of PW2 deceased Lovepreet Singh used to take intoxicants. The trial is going on. Two of the main witnesses have already been examined. As per custody certificate furnished by the State counsel, the petitioners are in custody for the last more than 11 months and are not involved in any other criminal case. It will take time for culmination of trial. So, no purpose is going to be served by keeping the petitioners in custody for any longer period.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits thereof, this petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate/Trial Court concerned.

(KARAMJIT SINGH)
JUDGE

19.05.2022
P. Chawla

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No