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

(1) CRM-M-47415-2021
Date of decision: 07.04.2022

PARAMJIT SINGH @ PAMMA ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

(2) CRM-M-24010-2021 (O&M)

GABBAR SINGH ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. G.S. Bawa, Advocate
for the petitioner (in CRM-M-47415-2021)

Mr. Prateek Pandit, Advocate
for the petitioner (in CRM-M-24010-2021)

Ms. Bhavna Gupta, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

Both the bail petitions cast under Section 439 Cr.P.C., shall be disposed of through a common order, as they arise from a common FIR.

2. In FIR No.37 of 17.03.2021, registered at Police Station Subhanpur, District Kapurthala, offences constituted under Sections 304/34 of IPC 1860, are embodied.

3. The incriminatory role, as becomes assigned to the bail petitioner(s), by the complainant is comprised in the factum of the latter's nephew one, Naminder Singh @ Minda taking to fall into the ill company of Paramjit Singh @ Pakka, and, Gabbar Singh, inasmuch as, all consuming

together intoxicants. Therefore, he alleged against them, that the body of his deceased nephew, as was found in a water channel rather became thrown thereinto in an intoxicated condition, by the bail petitioner(s), than theirs in the intoxicated condition of the deceased taking him to hospital for ensuring his recuperation, which if had occurred would have not resulted in the demise of one, Naminder Singh @ Minda.

4. However, initially at the instance of the complainant, the inquest proceedings under Section 174 of Cr.P.C., became drawn, and, at the afore stage, the complainant had not nursed any suspicion against the present bail petitioner(s). The afore nursed suspicion arose subsequent thereto.

5. Even if the afore inculcation is in the realm of suspicion yet the investigating officer concerned, was enjoined to erase all effects thereof. Conspicuously, the investigating officer concerned, was to ensure his making a befitting investigation, into the relevant factum qua the viscera of the deceased containing any intoxicating substances, as thereupon alone, the above made allegation would become *prima-facie* fortified.

6. Therefore, the learned State counsel, on the earlier date, was directed to place on record, the report of the Chemical Analyst concerned, as prepared by him, in sequel to his examining the viscera of the deceased. A perusal of the report of the Chemical Analyst reveals, that he has not found therein, any traces of any intoxicant substance or of poison, rather he has taken to opine, that no definite conclusion about the cause of demise of the deceased, can be arrived at. Moreover, when in the inquest report, as became drawn by the investigating officer concerned, except for a small abrasion, there is no other ante-mortem injury, suggestive of any fatal ante-mortem injury became caused, upon the person of the deceased. Therefore, and, moreso when at this stage, no

evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner(s) being admitted to regular bail there is every likelihood of theirs fleeing from justice or tampering with prosecution evidence. In consequence, and, especially when they are suffering judicial detention since 17.03.2021, thereupon their judicial incarceration is not required to be unnecessarily prolonged.

7. The instant petitions are allowed, and, the petitioners are ordered to be released from judicial custody. However, the granting of bail to the bail applicants-petitioners, in both the petitions, is subject to theirs furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to theirs not tampering with prosecution evidence, and, theirs not influencing prosecution witnesses, and, besides also theirs appearing before the trial Court concerned, as and when directed to make their personal appearance.

8. This order is only for the disposal of both the petitions, and, shall have no bearings on the merits of the case.

9. Dasti copy.

(SURESHWAR THAKUR)
JUDGE

07.04.2022

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