

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49065-2021

Date of Decision: 22.04.2022

Harjinder Singh @ Laddi and another

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jashandeep Singh Sandhu, Advocate, for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No. 128 dated 13.10.2021, under Section 304 IPC, registered at Police Station City Rampura, District Bathinda, Punjab.

The learned counsel for the petitioners has submitted that the petitioners are in custody from 13.10.2021 and investigation of the case has been completed and thereafter challan has been presented before the competent Court. He further submitted that both the petitioners are not involved in any other case and they have got clean antecedents and the present case has been planted upon the petitioners. He further submitted that even as per the story of the prosecution the petitioners allegedly alongwith the other co-accused had accompanied the deceased Joginder Singh from his house and thereafter when he came back froth was coming from his

mouth and he died. He further submitted that the deceased was himself an acute alcoholic and has consumed the poisonous intoxicant and there is no evidence to show that the petitioners had administered the intoxicant substance to the deceased. He further submitted that it was only because of old enmity of the complainant that the petitioners have been implicated in the present case and it is yet to be established at the time of trial as to whether the petitioners had administered any intoxicant substance to the deceased.

On the other hand, Mr. Davinder Bir Singh, learned DAG, Punjab has stated that it is a case where the present two petitioners alongwith the other co-accused had taken away the deceased from his house and had administered some intoxicant substance to him and even as per the FSL report Aluminium phosphide and Ethyl Alcohol were detected. He further submitted that it is correct that the petitioner is in custody from 13.10.2021 and investigation of the case has already been completed. He further submitted on instructions that the petitioners are not involved in any other case and have got clean antecedents.

I have heard the learned counsel for the parties.

The petitioners are in custody from 13.10.2021 and as per the learned counsel for the parties the investigation of the case has already been completed and the challan has been presented. It is not disputed by the learned State counsel that the petitioners are not involved in any other case and they have got clean antecedents. The allegations against the petitioners are that they had administered some intoxicant substance to the deceased, however, it is yet to be determined at the time of trial. Furthermore, it is not the case of the State that in case the petitioners are released on bail then they

may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

22.04.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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