

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-58448-2022 (O&M)
Date of Decision:-20.12.2022

Gurparsad Singh @ Shanky ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

Mr. Siddharth Atttri, AAG, Punjab.
Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Kewal Krishan.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.93, dated 20.9.2019, Police Station Shri Anandpur Sahib, District Rupnagar, under Sections 365, 304, 201, 34 of Indian Penal Code.
2. The FIR was lodged at the instance of Sobhi Ram (father of deceased), wherein it has been alleged that his son Rajiv went missing on 15.8.2019 and that upon making inquiries he came to know that friends of his son i.e. Gurparsad Singh @ Shanky (petitioner) and Sunny had taken along his son on a motorcycle and that he strongly suspects that the aforesaid two had kidnapped his son and had taken him somewhere. It is further the case of prosecution that on 2.7.2020 the complainant made a supplementary

statement to the effect that Atul Pandey was a friend of his son and that he suspected that he alongwith Gurparsad Singh @ Shanky and Sunny are together responsible for disappearance of his son. Pursuant to recording of aforesaid supplementary statement Atul Pandey, who was already in custody in connection with another case, was formally arrested in the present case and who also specifically named Sunny. Thereafter, Sunny was apprehended and upon his custodial interrogation, he disclosed that he as well as Gurparsad Singh @ Shanky (petitioner) and the deceased had administered drugs to each other.

3. Learned counsel for the petitioner has submitted that it is a case of circumstantial evidence, wherein there is no definite evidence regarding cause of death till date and that apparently it is on account of over-dose of drugs that the deceased lost his life. Learned counsel has further submitted that in the present case the complainant was examined during the proceedings of trial and, who has not fully supported the case of prosecution, inasmuch as he has denied having made the supplementary statement.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and against whom some evidence in the shape of disclosure statement of co-accused has been collected and there is no ground for his release on bail. It has, however, been informed that the petitioner has been behind bars since the last about 1 year and that he happens to be involved in one more case for offence under Narcotic Drugs and Psychotropic Substances Act and that as of now none out of the cited 18 PWs has been examined after amendment of charges.
5. This Court has considered the rival submissions.

6. It is not in dispute that it is a case of circumstantial evidence. The cause of death is not fully clear as of now though it appears that it is a case of overdose of drugs as even the disclosure statement of co-accused Sunny suggests that the deceased as well as two accused i.e. Sunny and Gurparsad Singh @ Shanky (petitioner) had administered drugs on the day of occurrence. The petitioner, in any case, has been behind bars since the last about 1 year. Conclusion of trial is likely to consume time inasmuch as 18 PWs have been cited and none of them is stated to have been examined after re-framing of charges. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.12.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No