

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1514-2023 (O&M)
Date of decision: 17.01.2023

Gurdeep Singh @ Gandu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Bedi, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.175 dated 18.10.2020 under Section 304 IPC, registered at Police Station Dera Baba Nanak, District Gurdaspur; earlier one was dismissed as withdrawn on 12.01.2022.

Learned counsel for the petitioner submits that FIR was registered on a complaint given by one Baldev Singh, ex-Sarpanch of the village, in which it is stated that his brother Mangal Singh was indulged in consuming intoxicants for the last about 01 year and despite the family restraining him from doing so, he did not stop. Three days ago, it came to his knowledge that his brother has started taking intoxicants like heroin and on 18.10.2020, he found that his brother Mangal Singh was lying unconscious outside tubewell. He took him to

the private hospital, where he was declared brought dead. Later, on the basis of confessional statement made by the petitioner in presence of PW3 Mangal Singh son of Roop Singh, the petitioner was nominated as accused, who delivered the intoxicant tablets to the deceased. Initially, two persons were nominated i.e. petitioner Gurdeep Singh @ Gandu and one Wazir Singh, however, later on, Wazir Singh was found innocent. It is further submitted that now statements of all the material witnesses have already been recorded.

Learned counsel has referred to statement of PW1 Dr. Gurpreet Singh, Medical Officer, Civil Hospital, Batala, in which nothing has come on record that any material was forcibly administered to the deceased. Learned counsel has further referred to statement of PW2 Baldev Singh-complainant, former Sarpanch of the village, who also stated on the similar lines as per the FIR. It is submitted that in the statement of PW3 Mangal Singh, before whom, the petitioner allegedly made confession, it has come that the petitioner along with aforesaid Wazir Singh made a confession before him that they were having enmity with Mangal Singh and on 18.10.2020, they gave overdose of drugs to him and due to that, he died. It is further submitted that factum of enmity was never stated by the complainant, who is real brother of deceased Mangal Singh.

Learned counsel has next submitted that even in the statement of PW4 Satnam Singh, only evidence against the petitioner is that he last seen Mangal Singh along with the petitioner and aforesaid Wazir Singh. It is also submitted that the petitioner is in custody for the last 01 year and 10 months and all the material witnesses have already been examined.

Learned State counsel, on instructions from ASI Nand Lal, has not disputed the factual position.

As per the custody certificate, filed in the Court today, the petitioner is in custody for the last 01 year, 09 months and 29 days and he stands convicted in one FIR under Section 307 IPC relating to the year 2014 and is facing trial in another FIR under NDPS Act.

Be whatsoever, after hearing learned counsel for the parties, without commenting anything on merits of the case and considering long custody of the petitioner and the fact that all the material witnesses have already been examined, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.01.2023
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No