

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

220

CRM M-20596 of 2023

Date of Decision: July 13, 2023

Amritpal Singh @ Amriti

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

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

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 155 dated 08.11.2022 under Section 304 IPC registered at Police Station Cantt. Bathinda, District Bathinda, Punjab.

2. The FIR in the instant case was got registered by Major Singh son of Sadhu Singh. It is averred that his son Maninder Singh was aged about 25 years and was married with Sumanpreet Kaur around 10 months ago. On 07.11.2022, at about 7.30 p.m., Amritpal Singh @ Amriti petitioner and Nirmal Singh @ Nima came to their house and called his son Maninder Singh and took him away with them. His son had left his home by saying that he would come back after some time. At around 08.00 p.m., Amritpal Singh @ Amriti petitioner and Nirmal Singh came back to their house and told him

that Maninder Singh got suffered fits at Amritpal Singh's house and had become unconscious. On this, the complainant alongwith family members went at the spot and found that his son had already passed away. With these broad averments, the FIR in the present case was registered against the petitioner and Nirmal Singh.

3. Learned counsel for the petitioner contends that the petitioner was falsely implicated in the present case and he had not caused any injury to the deceased Maninder Singh, since deceased. He further contends that in fact Maninder Singh, deceased was a drug addict and had died due to taking of overdose of the drugs. Even, as per the postmortem report, there was no injury on the person of the deceased and as per the opinion of the doctor, the deceased had died after consuming Ethyl alcohol and Morphine in excess.

4. The learned State counsel has opposed the present petition by submitting that the petitioner has been specifically named in the FIR and serious allegations have been levelled against him.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. It is not in dispute that the petitioner was arrested in the present case on 08.11.2022 and no witness has been examined so far. I have perused the postmortem report and as per the same, there is no injury on the person of the deceased. Even, it has been mentioned in the postmortem report that the cause of death in the present case was kept pending till the receipt of the chemical examination report from

the chemical examiner. Now the report of the chemical examiner has been received and as per the analysis, the result was as follows:-

“Ethyl alcohol and Morphine found positive in exhibits, I, II & V.

Ethyl Alcohol found positive and Morphine not found in exhibit III.

Ethyl alcohol and Morpine not find in exhibit IV.

Blood Ethyl alcohol concentration:80.5 mg/100 ml.”

7. Still further, as per the doctors, the cause of death in the present case was consumption of Ethyl alcohol and Morphine in excess and poisoning, which was ante-mortem in nature and sufficient to cause death in ordinary course of nature. Thus, it seems that the deceased had died after consuming alcohol and some poisonous substance and the prosecution is yet to lead evidence to prove the commission of the offence under Section 304 IPC during the course of the trial.

8. In view of the above discussion, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

July 13, 2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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