

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33192-2023

Date of Decision:28.07.2023

Prabhjeet Singh @ Mani

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner.

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

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 439 Cr. PC with a prayer to grant of regular bail to him in case FIR No.230 dated 08.11.2021 under Section 304/34 of IPC, registered at Police Station Jamalpur, District Ludhiana (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Surinder Kumar son of Mohan Singh, resident of Lohiri Nagar, Mundian Kalan, Police Station Jamalpur, Ludhiana. As per him, his son Pankaj Kumar, aged about 25 years was in search of a job for the last few days. At about 06:00 PM on 05.11.2021, Prabhjeet Singh, his friend came to his house and took him along by saying that they were going in search of a job. However, his son did not return home thereafter. At about 11:30 PM on 06.11.2021, he went to the house of Prabhjeet Singh in search of his son and Prabhjeet Singh was found present there, who was very perplexed. He enquired about his son and found that his son was lying on the ground in a room and he checked his body properly. The complainant found that the bubbles type saliva

was coming out of his mouth and he had died. The police reached at the spot and the dead body of his son was shifted to the mortuary of Civil Hospital, Ludhiana. Till 08.11.2021, he was himself enquiring about the cause of death of his son and came to know that Prabhjeet Singh had taken his son Pankaj Kumar to a lady Bala Verma wife of Nanku Verma, who was dealing with the trade of smack, ganja etc. and Prabhjeet Singh had purchased intoxicating injection from her and had injected the same to his son Pankaj Kumar at the house of Bala Verma. His son Pankaj Kumar was not a drug addict and had been injected despite knowing the fact that higher dose of such injection could cause the death. With these broad allegations, the FIR in the present case was got registered by the complainant against the petitioner and Bala Verma.

3. Learned counsel for the petitioner contends that in fact Pankaj Kumar, deceased/son of the complainant, was a drug addict and had himself taken the injections of some drug. Due to overdose of drugs, he unfortunately died. It was apparent from his post-mortem report that there was no injury on the person of the deceased and nobody had forcibly injected something. Still further, the complainant himself came to know about the death of his son in the late evening on 06.11.2021 and he was well aware of the fact that his son had died due to overdose of drugs himself and no body was at fault. Subsequently, after about two days, he coined a false version, to involve the petitioner in a false criminal case. Apart from that, there was no eye-witness to the occurrence and only on suspicion, the petitioner has been falsely roped in the present criminal case. By referring to the order Annexure P-3, learned counsel for the petitioner has urged that Bala Verma, co-accused has been granted the concession of bail by this Court on 12.12.2022 and the petitioner is almost

identically placed with her. Still further the petitioner is in custody since 08.11.2021 and only 01 witness out of total 14 witnesses have been examined by the prosecution and the conclusion of the trial may take considerable time.

4. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner and his case is not at par with the case of Bala Verma.

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

6. It is not in dispute that the cause of death in the present case is overdose of drugs. Whether the drugs were taken by the deceased himself or the same was forcibly injected by the accused, is a moot point for consideration before the learned Trial Court. Further, the petitioner was arrested in the present case on 08.11.2021 and he is in custody for the last more than 01 year and 8 months. The prosecution has already examined the complainant, Surinder Kumar as PW-1 and there are no chances of influencing the material witness of the prosecution. Apart from that, the trial before the learned Trial Court may take quite a long time.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

(N.S.SHEKHAWAT)
JUDGE

28.07.2023
hitesh

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