

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35671-2023
Reserved on: 09.10.2023
Pronounced on: 11.10.2023

Honey

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Ms. Harpreet Kaur, Advocate, for the petitioner.

Mr.R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.220 dated 30.09.2021 registered at Police Station City Kotkapura, District Faridkot, under Sections 304/34 IPC.

2. As per prosecution case, unclaimed dead body of a person was found on 27.09.2021, which was later on identified to be that of Jagpreet Singh @ Moonga. FIR was lodged on the complaint of his mother Amarjit Kaur on 30.09.2021, in which it was alleged that she had come to know that on 27.09.2021 at about 10.00 am, her son along with his companion had come to the house of petitioner-Honey, who along with Kochi s/o Rajinder Singh and another unknown person had caused injuries to deceased and administered some poisonous substance, thus killing him and then threw the dead body on the street.

3. During investigation, petitioner was apprehended on 01.10.2021 and on interrogation, he disclosed that he and deceased were drug addicts and that on the date of incident, deceased along with his one friend and Kochi had come to him to take intoxicant and that he had given an injection of heroin to the deceased, due to which he died instantly because of overdose of drugs.

4. It is contended by ld. counsel that allegations of the prosecution are not supported by the medical evidence inasmuch as, no definite cause of action of death could be given and that no poison was detected. Even nothing unnatural was found in the samples in Histopathological report nor anything was found in viscera. Ld. counsel further submits that co-accused Hari Om and Pawanpreet singh @ Pawandeep Singh @ Mani have already allowed bail by this Court vide orders Annexures P4 & P5, respectively. Ld. counsel also pointed out towards the fact that petitioner is in custody for almost two years and that trial may take time to conclude.

5. Ld. State counsel has opposed the bail petition by submitting that it is on account of the overdose of the intoxicant provided by the petitioner that death of the deceased took place.

6. As per the death report (Annexure P2), date and time of information disclosed to the police about the death is 27.09.2021 at about 9.30 am, whereas it is contended in the FIR that deceased had left along with his companion at about 10.00 am. This apparent contradiction is subject to trial. Co-accused have already been allowed bail. Petitioner is in custody for the last more than 2 years. Further trial may take time to conclude. No purpose shall be served by keeping the petitioner detained.

7. Having regard to all the above facts and circumstances, but without commenting anything further on merits of the case, petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Allowed.

11.10.2023
Vivek

(DEEPAK GUPTA)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |