

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M No.47933 of 2023 (O&M)
DATE OF DECISION: 22nd SEPTEMBER, 2023

Gurpreet @ Gopa

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. R.P. Dhir, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.146 dated 04.06.2023 registered under Section 304 IPC at Police Station Phillaur, District Jalandhar Rural.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the deceased, who is husband of the complainant, had died. There is no post-mortem report to suggest cause of death. The only allegations against the petitioner are that the deceased had purchased the intoxicants from the petitioner and died after consuming of the same. However, even as per this story, the offence under Section 304 IPC cannot be thrust upon the petitioner. The petitioner is ready to join the investigation as and when called by the Investigating Officer. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.
4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State.
5. Learned State counsel, being instructed by ASI Jai Gopal, has submitted that the deceased died after consuming the narcotic material, which was purchased from the petitioner. Therefore, the petitioner has rightly been involved in the offence under Section 304 IPC. There are as many as seven more cases against the petitioner, including the cases under the NDPS Act and under the Arms Act. However, it is not disputed by learned State counsel that in the present case, even post-mortem report is not there to show that the deceased died after consuming any narcotic substance. It is also not disputed by learned State counsel that the petitioner has not been charged with any offence under the NDPS Act so far.
6. In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

22nd SEPTEMBER, 2023
'sandeep'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No