

230

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

CRM-M-50348-2023

Date of Decision: 11.12.2023

Jaswant Singh alias Gaggi

...Petitioner

VS.

State of Punjab

...Respondent

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

Present : Mr. Arpinder Singh Sidhu, Advocate
for the petitioner.
Mr.M.S.Bajwa, Deputy Advocate General, Punjab.
Mr.S.S.Gill, Advocate for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.86 dated 15.05.2023 registered under Sections 304, 109, 34 of IPC and Section 29 of NDPS Act, 1985 at Police Station Lehra, District Sangrur.

2. The FIR in the present case was registered on the basis of the statement made by Rajvir Singh. As per the complainant, on 13.05.2023, his cousin Gurpreet Singh (since deceased) went away from home by saying that he was going to meet his friend. At about 5.00 p.m., a call was made on the phone of Gurpreet Singh, which was attended by unknown person and the said person informed the complainant that Gurpreet Singh was lying near a small canal (Rajwaha). The complainant alongwith his uncle Balwinder Singh went at the spot and found that Gurpreet Singh was lying on the ground and froth was coming out from his mouth. Gurpreet Singh was immediately shifted to Hospital, however, keeping in view the serious condition, he was referred to

Sangrur. Gurpreet Singh was taken to Sibia Hospital, Sangrur, where the doctor declared him dead. Since the complainant did not suspect anything foul, he stated that the death seemed to be natural and sudden. It was also stated that death of Gurpreet Singh had been caused due to intake of some poisonous substance and heart attack. Initially the DDR No. 21 was registered on 14.05.2021 and on the next day, the FIR under Sections 304, 109, 34 of IPC and Section 29 of NDPS Act was registered against the present petitioner and others.

3. Learned counsel for the petitioner contends that initially, no doubt was raised by the complainant on anyone. Even the complainant was well aware of the fact that Gurpreet Singh, since deceased had died due to over-dose of some intoxicants. Even as per the case of the prosecution, the petitioner was also a drug addict. However, no evidence was found against the present petitioner regarding the involvement of the petitioner in the crime. Learned counsel further contends that the petitioner was arrested in the present case on 15.05.2023 and challan has already been presented before the Competent Court. Thus, further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is also one of the main accused and does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the record.

6. It is apparent that the deceased had not suffered any injuries and it seems to be a case of over-dose of some intoxicants and it would be debatable

as to whether the offence under Section 304 IPC is made out against the petitioner or not. Moreover, the petitioner is in custody for the last 07 months and further custody of the petitioner will not serve any meaningful purpose.

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

11.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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