

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

105

CRM-M No.51835 of 2023 (O&M)  
DATE OF DECISION: 12<sup>th</sup> OCTOBER, 2023

**Harman Dass @ Honey @ Toti**

.... Petitioner

**Versus**

**State of Punjab**

.... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. S.S. Thakur, Advocate,  
Mr. Anshul Sharma and Mr. Gaurav Kaushal, Advocates,  
for the petitioner.

\* \* \* \*

**RAJBIR SEHRAWAT, J. (Oral)**

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

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 case as alleged against him. Even as per the story put up by the police, the deceased is alleged to have died due to over-dose of some intoxicant. However, there is not even any post-mortem report to substantiate the fact that the deceased had died due to over-dose of the intoxicant. Otherwise, even as per the police, the petitioner, as well as, the deceased were drug addicts. Therefore, the possibility of the deceased having died on account of some over-dose of drugs or psychotropic

substance cannot be ruled out. In any case, the petitioner is not connected in the crime whatsoever. There is no other case against 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 State.

5. Learned State Counsel, being instructed by ASI Surjit Singh, has submitted that the petitioner and his other co-accused were seen with the deceased last time. Thereafter, he was found dead on account of over-dose of intoxicant. However, it is not disputed by learned State counsel that there is no post-mortem of the deceased and that there is no other case against the petitioner.

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.

**12<sup>th</sup> OCTOBER, 2023**  
*‘sandeep’*

**(RAJBIR SEHRAWAT)**  
**JUDGE**

*Whether speaking/reasoned:*

*Yes*

*No*

*Whether Reportable:*

*Yes*

*No*