

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : CRM-M-59165-2022

Date of Decision : April 11, 2023

Taljinder Singh @ Talwinder Singh @ Bhinda Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

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GURBIR SINGH, J. :

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.51 dated 16.05.2022, under Section 304 IPC, registered at Police Station Rangar Nangal, District Batala.

The case in hand was registered on the basis of statement made by Pammi wife of Jassa Masih that her son Gora was doing the work of labour in the godown of FCI. He used to go in the morning and return in the evening. Her son had no other bad habit except taking liquor. On that day i.e. on 16.05.2022, at about 07:00 AM, she, her husband Jassa Masih and son Gora were taking tea at their home, when Talwinder Singh @ Bhinda (present petitioner) came on motorcycle to their house. He asked her son Gora to accompany him as he had some urgent work. Gora sat on

his motorcycle and went away. At about 09:00 am, the petitioner came on motorcycle in front of her house accompanied by his mother Gurmito and told her that her son Gora was drunk and was lying in their house. Then she sent her neighbour Ravi and her nephew Malkit Singh on her motorcycle and asked them to bring Gora back. After about 15 minutes, they brought Gora back to his house, who was almost unconscious at that time. They took him to Jeewan Hospital, Dhandoi. The doctor examined him while he was lying in the car and declared that he had already died. It was further alleged that the petitioner was aware that Gora was not in the habit of consuming heroin and knowing that administering an injection of heroin is life threatening and a person could have died, he administered injection of heroin to her son Gora and he expired. The mark of injection was clearly seen on the right arm of Gora and his right arm had become bluish. It was further contended that Gora expired because of administering injection of heroin by the petitioner.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 17.06.2022. The challan is already presented. The complainant has herself admitted that her son Gora was habitual of drinking. Both – petitioner and Gora had gone somewhere, where Gora had taken liquor. Since the petitioner was to attend the Court proceedings, he did not take liquor. Due to excess consumption of liquor, son of the complainant became unconscious and died. In the Medical Report, the cause of death is “ethyl alcohol poisoning”, which is result of taking excess liquor in short span. He has further submitted that although five other cases

have been registered against the petitioner, out of which he has been acquitted in three cases and is facing trial in two cases. He has further prayed that pendency of other cases be not considered as a ground to grant concession of bail to the petitioner.

On the other hand, learned State counsel, while opposing the prayer made by learned counsel for the petitioner, has submitted that earlier also, cases were registered against the petitioner and even presently, he is facing trial in two cases, one of which is under NDPS Act and the other is under Sections 307, 452, 354, 34 IPC and Sections 25/54/59 of the Arms Act. So, he is not entitled for bail. However, she has fairly conceded that the petitioner is in custody since 17.06.2022.

Heard.

A perusal of the record of the case shows that as per report of Chemical Examination and Histo-pathological Examination, the blood ethyl alcohol concentration was found to be 138 mg/100 ml. and Medical Officer of Civil Hospital, Batala gave opinion that death was result of “ethyl alcohol poisoning”. So, the version of the complainant that the petitioner gave injection of heroin to the son of the complainant is not corroborated by the medical evidence. It is version of the complainant herself that her son actually used to take liquor. One of the causes of “ethyl alcohol poisoning” in the blood, which can take place, is if excess liquor is taken in a short span. Merits of the case is not to be seen at this stage. In a case **CRM-M-8902-2022** titled **Sukhwinder Singh @ Pitu vs. State of Punjab and another**, vide order dated 03.03.2022, passed by a Co-ordinate Bench of

this Court, even interim anticipatory bail was granted keeping in view the fact that the blood alcohol concentration was found to be 103.5 mg per 100 ml and the cause of death was Ethyl alcohol poisoning.

Keeping in view the custody period of the petitioner and also the facts that the challan has been presented and the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

April 11, 2023

monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.