

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1976-2024 (O&M)

Date of Decision: 21.03.2024

Jassu Singh @ Jaspreet & another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. K.S.Brar, Advocate, for the petitioners.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
86	21.09.2023	Nandgarh, District Bathinda	304 & 34 IPC

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Papu Singh, wherein it is stated that on 20.09.2023, he alongwith his son Jaspreet Singh had gone to attend engagement ceremony of one of their relatives at Village Chughe Khurd, where his son Jaspreet Singh went alongwith his friends, who are addicted to drugs. The complainant further stated that although his son Jaspreet Singh was previously addicted to drugs, but had stopped using the same. Later when Jaspreet Singh returned back at about 2:00 PM, he was found to be under influence of drugs. The complainant

- alleged that his son Jaspreet Singh disclosed that his friends, namely, Jassu Singh and Niranjana Singh @ Katta (petitioners) had administered heavy dose of '*chitta*' to him against his wishes knowingly well that heavy dose of the same could be fatal. Although Jaspreet Singh was taken to hospital, but he could not survive.
3. Learned counsel for the petitioner submitted that it is a case where the deceased had previously been taking drugs, as had been stated by the complainant himself and that since the death as per the opinion of the Doctors was on account of respiratory failure due to morphine overdose, which was sufficient to cause death, it is evidently a case where the deceased had consumed an overdose of drugs. Learned counsel further submitted that although the complainant alleges that it is the petitioners, who had administered the said drugs, but there is no credible evidence to support the said allegation.
4. Opposing the petition, learned State counsel submitted that since the deceased shortly before his death had disclosed the names of the petitioners and had alleged that it is the petitioners, who had administered the overdose of drugs leading to his death, their complicity is clearly evident. Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last about 5 months & 25 days and that they are not involved in any other case. It has also been informed that trial has not commenced till date though 10 PWs have been cited.
5. This Court has considered rival submissions.

6. Having regard to the facts and circumstances of the case particularly the fact that it is a case where death is apparently on account of overdose of drugs and it will be debatable as to whether or not it is the petitioners, who administered the drugs forcibly to the deceased, who had been taking drugs earlier and also bearing in mind the custody of the petitioners, who otherwise enjoy a clean record, further detention of the petitioners will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.03.2024

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**