

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5992-2024

Date of Decision: February 20, 2024

GURSANGAT SINGH AND ANRPetitioners
Versus
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Gagan Preet Saini, Advocate and
Mr. Pardeep Kumar, Advocate for the petitioners.
Mr. Kewal Singh, Addl. A.G. Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 100 dated 31.08.2023 registered under Sections 304 and 34 IPC at P.S. Bareta, District Mansa, wherein, the petitioners have been implicated with the allegations of having administered some poisonous substance to the brother of the complainant namely Parminder Singh resulting into his death.
2. Status report by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub-Division Budhlada, District Mansa on behalf of respondent has been filed today in Court, the same is taken on record. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the custody of the petitioners is too less and the charges are yet to be framed by the trial Court.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioners.
4. In the present case, investigation already stands concluded with the filing of challan on 01.12.2023. Though the allegations are that the petitioners administered some poisonous substance to the brother of the

complainant namely Parminder Singh thereby, resulting into his death, however, as per the chemical examiner report, no poisonous substance was found in the body of the deceased. Relevant extract from the report dated 09.11.2023(Annexure-R2, Page 11) is reproduced hereunder:-

“The contents of the packet were as follow:-

SEALED JARS SAID TO CONTAIN:-

- I) Stomach & its contents, part of small and large intestine.
- II) Parts of Liver, Lungs, Spleen & half of each kidney.
- III) Blood sample.
- IV) Sample of preservative.

The above seals were opened and the contents of the packet were duly examined by chemical examiner laboratory and issued to the concerned Analyst after coding until examination was completed.

On the observation of the Analyst the result was as follows:-

No poison detected in exhibits I, II, III, IV”

5. Considering the aforesaid, besides the fact that the investigation already stands concluded and petitioners are in custody for the past more than 4 months and even the trial is likely to take some time, this Court does not find justification to extend their incarceration any further especially when no apprehension has been expressed by the prosecution as regards any kind of threat having been extended by the petitioners to the prosecution witnesses.

6. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

20.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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