



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-7000-2024 (O&M)
Date of decision : 28.05.2024

Amrinder Singh @ Bindu Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. B.S. Jatana, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.169 dated 07.10.2023, registered for the offence punishable under Section 304 of IPC, 1860 (Section 109 of IPC added later on) at Police Station Balongi, District SAS Nagar.
2. As per the contents of the FIR, it has been alleged as under:-

“Copy of statement of Kuljinder Singh alias Laadi son of Amrik Singh resident of village Khuni Majra, Police Station Balongi, District SAS Nagar aged 23 years. Mobile no.98145-17235, Stated that I am resident of above said address and working as Driver. On 03.08.2023, I was in my village then my friend Manjot Singh Bhupinder Singh who is residing at village Majra, made telephonic call to me that you bring your motorcycle, I have some

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work at Landran, we will come back soon. It was time about 11:30 AM. Manjot met me near Gurudwara Sahib at Sante Majra, then he sat behind on my motor cycle and we went to Landran. When I reached near Government School, Landran then Manjot asked me to park the motor cycle. I stopped my motor cycle then Manjot got down and Manjot told me that you stop here, I am going to shop situated at front and will come back. Manjot went inside Mavi Dairy situated at front and come back after half an hour and he told me that let us go back towards Kharar. We went back towards Kharar and we reached at karyana shop near wine shop near Khuni Majra College, Landran Road then Manjot asked me to stop the motorcycle then Manjot went inside karyana/grocery shop. He sold his silver bracelet to the shopkeeper and told me to go back towards Landran. Then we both again reached at Government School Landran then Manjot again went inside Mavi Dairy and he brought one pouch/sachet from a boy namely Bindu son of owner of Mavi Dairy and told me that I should turn the motorcycle towards Chappar chiri ground then we went to the vacant ground behind Swaraj Factory at Chappar chiri and we both sat in the ground. Manjot had an injection syringe with him, who took out small water bottle from his pocket and poured some water in the lid of the bottle and dissolved that pouch in the water and filled the syringe with it and injected it in his arm and as soon as he injected, he fallen on the ground. I tried to lift him up but he could not be lifted up, I was very much scared and I again tried to lift him up but he was not even moving. I was scared and came to my

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house on my motorcycle. I came to know in the evening that Manjot has died at that place. This accident has occurred due to the injecting of the substance by Manjot which was given in the pouch by Bindu Mavi Dairy, Landran. Statement got written, read, which is correct. Sd/- Kuljinder Singh
Attested Bavinder Kumar ASI Police Station
Balongi Date 07.10.2023.”

3. Counsel for the petitioner submits that as per the medical opinion dated 06.12.2023, death of the deceased was on account of asphyxia due to aspiration which was sufficient to cause death in an ordinary course. No poison was detected. He submits that thereafter clarification was sought by the Senior Superintendent of Police, SAS Nagar and as per the same even presence of narcotic drug has been ruled out. He thus submits that the petitioner has been falsely implicated as there is no evidence to establish relationship between the alleged pouches bought from the petitioner and the death of the deceased.

4. Custody certificate has been produced. As per the same, the petitioner has undergone 07 months and 16 days. Challan already stands presented.

5. Keeping in view the nature of allegations against the petitioner and the nature of evidence, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

28.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No