

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

I. CRM-M-7885-2024
2024:PHHC: 045488

SATNAM SINGH Petitioner

Vs.

STATE OF PUNJAB Respondent

II. CRM-M-9252-2024
2024:PHHC: 045489

VISHAL SINGH Petitioner

Vs.

STATE OF PUNJAB Respondent

Reserved on: 02.04.2024
Pronounced on: 04.04.2024

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Umesh Aggarwal, Advocate, for the petitioner
(in CRM-M-7885-2024)

Mr. B.S. Jaswal, Advocate, for the petitioner
(in CRM-M-9252-2024)

Mr. GPS Bhullar, DAG, Punjab.

DEEPAK GUPTA, J.

In the two petitions titled above, both filed under Section 439 CrPC, petitioners pray for their release on regular bail in case FIR No.256 dated 18.08.2023 under Section 304/34 IPC, registered at Police Station Division-B, District Amritsar.

2.1 FIR was lodged on the complaint of Prem Singh, as per which his brother Navdeep Singh left home on 17.08.2023 at about 01:00 PM telling that he was going to his house at Maqboolpura. However, on 18.08.2023, complainant received information from his cousin-Rajwinder Singh that

Navdeep Singh had expired at Hotel Golden Pride, Sheran Wala Gate, Amritsar. Complainant came to know that Navdeep Singh had taken room on rent in the aforesaid hotel in his name, where his friends Satnam Singh (*petitioner in CRM-M-7885-2024*) and Vishal Singh (*petitioner in CRM-M-9252-2024*) had taken intoxication and that they made Navdeep Singh to consume excessive intoxication, resulting in his death.

2.2 During investigation, both the accused were arrested on 18.08.2023. They admitted that they were present with the deceased on 17.08.2023 in the room of Hotel Golden Pride and that all of them had consumed heroin and that due to excessive intoxication, Navdeep Singh expired. The CCTV footage of the hotel also confirmed that the two petitioners were with the deceased in the room. After concluding investigation, final report under Section 173 CrPC was filed.

3. It is contended by ld. counsel for both the petitioners that petitioners have been falsely implicated. Ld. counsel contends that though petitioners do not deny their presence with the deceased in the hotel on 17.08.2023, but the hotel was booked by the deceased himself and that all of them had taken the intoxication, but in case deceased consumed excessive intoxication and died, petitioners cannot be blamed. Ld. counsel contends further that there is no evidence that it is the petitioners, who forcibly gave intoxicants to the deceased. Besides, both the petitioners are in custody for the last more than 7 months; that trial may take time to conclude and so, in all these circumstances, they be granted bail.

4. Ld. State counsel has opposed both the petitions by submitting that petitioners were in the accompany of deceased in the hotel room, when he expired.
5. I have considered submissions of both the sides.
6. The postmortem report to be read with the report of the chemical examiner would reveal that Morphine was found positive in the viscera of the deceased. However, it is yet to be established that it is the petitioners, who forced the deceased to consume intoxicants in excess. It is not disputed by the prosecution that petitioners as well as deceased were friends. It is deceased, who had taken the room on rent and all three of them had consumed intoxicating drugs. Trial may take time to conclude. No purpose shall be served by keeping the petitioners detained.
7. Having regard to all the above facts and circumstances, but without commenting anything further on merits of the case, petitions are allowed. Petitioners are admitted to regular bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

Pending application(s), if any, stand disposed of.

A photocopy of this order be placed on the connected file.

04.04.2024

Vivek

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Whether reportable?

Yes

No