



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-18181-2024

Date of decision: 19.07.2024

Joginder Singh @ Dodi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Narender Singh Gill, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.135 dated 18.11.2023 under Sections 304, 34 of the IPC registered at Police Station Koom Kalan, District Ludhiana.

2. On the last date of hearing, learned State counsel had been directed to verify the authenticity of the submissions made by learned counsel for the petitioner that no intoxicant/drug was found as per the report of the FSL in the case properties including the syringe, sent to it.

3. Learned State counsel, on instructions from ASI Paramjit Singh, has not disputed the aforesaid fact, however, he has reiterated the following submissions made by him on the last date of hearing:-

“Learned State counsel has at the outset opposed the prayer and submissions made by the counsel opposite for extending the concession of bail to the petitioner. Learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR in question, which has been



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annexed as Annexure P-1. It has been submitted that not only was the petitioner named therein by the complainant (mother of the deceased) but it was the petitioner, who had injected intoxicant into the deceased, which proved to be fatal for him. It has been submitted that petitioner cannot seek parity with Balwinder Kaur, who has since been extended the concession of bail by this Court as there was no specific attribution qua her; the only role attributed to accused Balwinder Kaur was that she was present along with the co-accused when the deceased was administered intoxicants through a syringe by the petitioner.”

4. Learned counsel for the petitioner has, however, refuted the submissions made by learned State counsel and argued that although it had been projected to be an eye witness account wherein it had been alleged that the deceased had been forcibly administered some intoxicant by the petitioner, however, the prosecution case falls flat in the face on account of the report of the FSL. A prayer has, therefore, been made by learned counsel for the petitioner for extending the concession of bail to him as now he has been in custody since 18.11.2023 and even charges stand framed.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The complainant lodged the FIR in question wherein he alleged as under:-

“Statement of Gurcharan Singh son of S. Maluk Singh resident of village Bhaini Sahib, Police station Koomkalan District Ludhiana, aged About 54 years, mobile number 79808-86012 stated that I am a resident of the above said address and I am doing Path Puja work at Bhaini Sahib Sahib, I have four children, a girl Sangeet Kaur, a boy Ganga Singh, Gurmail Singh and is Daya Singh, my boys Ganga Singh and Gurmail Singh stay at home, who are addicted to drugs, my son Daya Singh lives abroad in Thailand. On 17-11-2023 I was present at home, around



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5-00/6-00 PM I saw that my two sons went out of the house, on which I suspected that they earlier had use to bring drugs, and even today they went to buy drugs, on which I was looking for my boys Gurmail Singh and Ganga Singh while searching towards village Gaahi Bhaini and village Ratnagarh Road I saw on the left side of the road in a deserted place about 8/9 boys were holding both my sons, out of which 5 boys were forcing my boy Gurmel Singh down and 4 girls were holding my son Ganga Singh, when I cried out loud, all of them on seeing me, they all ran away from the spot, on which I took out the syringe from the arm of my son Gurmel Singh and made Gurmel Singh sit down and my sons Gurmail Singh and Ganga Singh told me that we use to take intoxicants from these persons and use to take the same with them. Even today we came to them, where Gurpreet Singh alias Gopi son of Surjit Singh, Seelu son of Chinder, Joginder Singh alias Dodi son of Mukhtiar Singh, Kulwant Singh alias Bhajan son of Bhajan Singh and Mukha Singh son of Balveer Singh were residents of village Chautan. Police Station Koomkalan District Ludhiana and 4 unknown persons were present then Joginder Singh @ Dodi's wife Balwinder Kaur and an unknown woman gave them the intoxicant, on which all these people started telling us use the intoxicant then Gurmel Singh said that I don't want to take drugs now, because I want to quit drugs. Then all these people started forcing us, then Seelu, Gurpreet Singh alias Gopi and 2-unknown persons grabbed my son Ganga Singh and others threw down my son Gurmel Singh and one unknown person and Kulwant Singh alias Laddu caught hold the arms of Gurmel Singh, Mukkha Singh and 1 unknown person caught hold the legs of and started telling him that if we do drugs, we will not let you quit drugs, because you do drugs with us every time, thereafter Joginder Singh @ Dodi injected the intoxicant by using syringe in the right arm of my son Gurmail Singh, in the meantime I reached at the spot and they all left and ran away from the spot leaving my sons behind and I took out the drug syringe from my son's arm and I came home with my sons, then around 8-30 PM my son Gurmel Singh's health suddenly deteriorated. Bleeding started oozing out from his nose, when I tried to take my son Gurmel Singh to the doctor in the meantime he died. That my Son died due to the reason that Joginder Singh alias Godi son of Mukhtiar Singh, Balwinder Kaur wife of Joginder Singh alias Dodi, Kulwant Singh alias Laddu son of Bhajan Singh, Mukkha Singh son of Balveer Singh and 5 unknown persons/women forcibly injected drugs to my son. So far I have been consulting with my family members, appropriate legal action should be taken against these persons.... ”

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7. In the facts and circumstances as enumerated hereinabove, since none of the 15 prosecution witnesses have been examined yet, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No