

2024:PHHC:116633



213.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26698-2024

Date of decision: 05.09.2024

Harman Grewal @ Harmanjot Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Birinder Pal, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner, pending trial, in case FIR No.16, dated 23.02.2024, registered under Sections 304, 34 IPC at Police Station Koom Kalan, District Police Commissionerate, Ludhiana.

2. The aforesaid FIR was registered on the statement of Ranjodh Singh, father of the deceased, with the following allegations:-

" Stated that I am a resident of the above said address. I do agricultural work. I had only one son, whose name was Jasmeet Singh alias Jassi, who was addicted to drugs. My son went on 02.02.2024 saying that he has to go to get medicine from the De-addiction Centre, Rara Sahib. At that time, it was around 5.30 PM. On 04.02.2024, I repeatedly phoned my son on phone No.97812-28084 and 98811-37400, which was

getting switched off. Upon which, I along with my family members started searching for him. On 05.02.2024, my Taya's son Hardaman Singh told me that the photo of my son Jassi appeared in the newspaper, from which it was revealed that his body has been kept in the mortuary of Civil Hospital Ludhiana by P.S. Koom Kalan, Ludhiana. Upon which, I came to the police station and inquired and I was informed. At that time, I wanted to get my son's body and perform his last rites with my own hands. Upon which, I by getting my statement recorded initiated proceeding under Section 174 of Cr.P.C. But now I came to know that from 02.02.2024, Harman Grewal, son of Nindi Grewal, resident of Dasmesh Nagar, Machhiwara, Navdeep Singh alias Navu son of Ranjit Singh, resident of Village Adiana, P.S.Machhiwara, Gurpreet Singh alias Gandhi son of Jagwant Singh, resident of Village Manewal, P.S. Machhiwara and Master Dilpreet Singh, resident of Kalgidhar Nagar, Machhiwara sat together with my son in Ikon car No.PB-10-3902 and consumed drugs on the river bank of Sutlej in Village Hadiwal. They, by administering a syringe of overdosed drugs to my son, left him there. Due to which, my son died. Legal action should be taken against these four persons...."

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR. There is delay of 21 days in lodging the FIR, as the incident took place on 02.02.2024 whereas the FIR was registered on 23.02.2024. Even on the date of alleged incident, petitioner was at his home only. There is nothing on record that the petitioner was present with the deceased on 02.02.2024 or he administered

any drug to the son of the complainant by virtue of which he died. The complainant himself admitted his son as a drug addict and later on, he named the petitioner and other co-accused without any evidence. The statement of complainant is based on hearsay. Petitioner is not involved in any other case. Petitioner is in custody since 23.02.2024. Conclusion of trial will take long time. No useful purpose would be served by further incarceration of the petitioner.

4. Pursuant to order dated 20.08.2024, reply by way of an affidavit 05.09.2024 of Jasbinder Singh, PPS, Assistant Commissioner of Police, Industrial Area-A, Ludhiana, on behalf of respondent-State, has been filed in Court today, which is taken on record. As per Chemical Examiner report dated 16.04.2024, Morphine was found in the viscera of deceased. The report is as under:-

“Morphine found positive in Exhibits III & IV
Diacetylmorphine found positive in Exhibits V.
Morphine found positive in Exhibits I & II.”

The allegation against the petitioner is that he used to consume drugs along with co-accused. The co-accused gave overdose of drugs to the son of the complainant and when he became unconscious and died, they took the dead body of the deceased Jasmeet Singh @ Jassi in the car of co-accused and dropped the dead body near the Satluj Bridge at Village Hadiwal. It is submitted that considering the gravity of offence and seriousness of allegations, petitioner does not deserve the concession of regular bail at this stage as charges are yet to be framed.

4.1 Learned State counsel has also filed the custody certificate dated 04.09.2024 of the petitioner in Court today, which is taken on record. As per said custody certificate, the petitioner has undergone actual sentence of 6 months and 9 days. However, she submits that the petitioner is not found to have been involved in any other case.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. Considering the fact that the petitioner is custody for the last 6 months and 9 days; no other case has been pointed out against him; morphine was found in the viscera of deceased as per Chemical Examiner Report dated 16.04.2024, so it cannot be stated that it is a case of overdose; the version of complainant himself is that his son was a drug addict, so in such type of cases, drug was supposed to be positive in viscera report; culpability of the petitioner would be determined during trial and completion of trial will take some time; this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall

not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

September 05, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No