



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-27389-2024
Date of Decision : 09.09.2024

SUNNY

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Prateek Pandit, Advocate, for the petitioner(s).

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 03.07.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in FIR No.39 dated 27.01.2024, under Section 304 of the IPC, registered at P.S. City Kapurthala.
2. In compliance of the order made by this Court on 28.05.2024, the learned State counsel has filed a status report, on affidavit of Harpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Kapurthala, which is taken on record.
3. The learned counsel for the petitioner submits that the FIR does not contain any explicit allegation regarding forceful administration of any poisonous substance to the deceased by the petitioner, rather merely an apprehension regarding the deceased becoming administered poisonous substance by the petitioner has been expressed therein. He further submits that, in fact, the deceased was a drug addict and the cause behind his death could probably be the overdose of drugs. Moreover, the investigating agency is not seized of any cogent inculpatory evidence, which may even remotely corroborate the allegations of forceful administration of any poisonous substance to the deceased by the petitioner.
4. *Per contra*, the learned State counsel has opposed the grant of anticipatory bail to the petitioner, on the ground that, since the dead body of the deceased was found in the house of the petitioner, therefore, a statutory presumption arises against the petitioner to explain the cause behind deceased's death. He further submits that since there were two injury marks on the eyes of the deceased, therefore, it may be a case of forceful administration of any poisonous or narcotic substance to him.
5. This Court has heard the submissions made by the learned counsels for the parties and perused the status report (supra). Prima facie, this

Court is of the view that:- (i) in the absence of an F.S.L. report thus substantiating the prosecution's claim that the deceased has died on account of consumption/administration of any poisonous/narcotics substance; and (ii) the issue "*whether the injury marks found on the eyes of the deceased can be associated with allegations of forceful administration of any poisonous substance*" being an issue warranting consideration by the investigating officer and trial court at apt stage; the petitioner deserves him being granted the asked for relief.

6. Therefore, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

7. List on 09.09.2024."

2. Today, the learned State counsel has, on instructions imparted to him by ASI Baldev Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) has joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 03.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

September 09, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No