



CRM-M-27317-2024 and
CRM-M-29309-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220 CRM-M-27317-2024
Date of Decision: 20.08.2024

MANU KUMAR @ MANNU KUMARPetitioner
Versus
STATE OF PUNJABRespondent
and

222 CRM-M-29309-2024

MUKESH KUMARPetitioner
Versus
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Vishnu Dutt, Advocate for
Mr. Naveen Bawa, Advocate for the petitioner.
(in CRM-M-27317-2024)

Mr. Amandeep Singh, Advocate for
Mr. G.S.Verma, Advocate for the petitioner.
(in CRM-M-29309-2024)

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. Vide this common judgment, two petitions i.e. CRM-M-27317-2024 and CRM-M-29309-2024 shall be disposed of.
2. Both the petitions have been filed under Section 439 Cr.P.C for grant of regular bail to the petitioners in case FIR No. 53 dated 11.03.2024 under Sections 304, 34 of IPC registered at Police Station Sahnewal, District Ludhiana.



**CRM-M-27317-2024 and
CRM-M-29309-2024**

2

3. The case in question has been registered on the statement of wife of Raj Kumar Singh on the allegations that on dated 03.03.2024 at about 10:00 A.M, the co-accused Vinay Kumar, who was friend of her husband, came to their house in his car. They left in the said car saying that they were going for celebration since co-accused had purchased the new car. Her husband was not consuming liquor for the last approx. two years but Vinay Kumar along with Mukesh Kumar and Mannu gave excess liquor to her husband and when he became unconscious, they left him at Indra park, Giaspura, Ludhiana and went away. At 4:00 P.M, when she came to know then she reached at the said park and found her husband lying in an unconscious condition. She and her nephew took her husband to hospital for treatment where her husband was declared brought dead. Earlier on her statement proceedings under Section 174 Cr.P.C were initiated and on inquiry at her own level she came to know that the petitioners along with Vinay Kumar had forced her husband to drink excessive quantity of liquor with an intention to kill and he had died. Instead of taking her husband to the hospital, they left him at Indra park, Ludhiana.

4. Learned counsel for the petitioners has argued that there is delay of 8 days in lodging the FIR and the case of the complainant is based on hearsay evidence. Challan has already been presented. The co-accused Vinay Kumar and deceased-Raj Kumar were friends. Raj Kumar (since deceased) was taken by Vinay Kumar for celebrations. There is nothing on record to show that petitioners and co-accused had forced the deceased to drink excessive liquor. Both the petitioners were arrested on 11.03.2024



**CRM-M-27317-2024 and
CRM-M-29309-2024**

3

whereas co-accused Vinay Kumar has already been granted concession of anticipatory bail by the Coordinate Bench of this Court on 28.05.2024 in CRM-M-18832-2024.

5. Status report by way of affidavit of Gur Iqbal Singh, PPS, Assistant Commissioner of Police (South), Ludhiana on behalf of the respondent-State has been filed in CRM-M-29309-2024 and the same is taken on record.

5.1 Learned State counsel is opposing both petitions and submits that deceased was forced to drink excessive liquor and when he became unconscious then petitioners left him to die. She fairly admits that petitioners are in custody since 11.03.2024. The case of the petitioners is on the same footing as of the co-accused Vinay Kumar.

6. I have heard the submissions of learned counsel for the petitioners as well as learned State counsel and have gone through the paper books.

7. Keeping in view the statement of the complainant that her husband was forced to take excessive liquor but there is nothing on the file to conclude at this stage whether deceased had drunk liquor on its own or was forced to take excessive liquor. Moreover, petitioners are in custody since 11.03.2024 and the completion of trial will also take a long time to decide the culpability of the petitioners, so no useful purpose would be served by keeping the petitioners behind bars for a long period. Consequently, both the petitions are hereby **allowed** and the petitioners are directed to be released on regular bail on their furnishing bail bonds/surety



**CRM-M-27317-2024 and
CRM-M-29309-2024**

4

bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned with the following conditions:

- (i) The petitioners shall get their mobile numbers registered in the trial Court for receiving messages through CIS and shall not change their mobile numbers during pendency of the case.
- (ii) The petitioners shall also get their mobile numbers registered with the concerned police station.
- (iii) In case petitioners changes their residence, they shall inform the Court concerned about their new address.

In case of default, the learned trial Court is free to cancel the bail granted to the petitioners.

8. Observations made herein above are not to be construed as expression of opinion on the merits of the case.

20.08.2024

renu

**(GURBIR SINGH)
JUDGE**

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