



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-33596-2024
Date of decision: 23.10.2024

GURPREET SINGH ALIAS HARRY

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CRM-M-37594-2024

DAVINDER SINGH

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Keshav Jain, Advocate for the petitioner
in CRM-M-33596-2024.
Mr Sidharth Maini, Advocate,
for the petitioner in CRM-M-37594-2024.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.18 dated 27.03.2024 under Section 304 of the IPC registered at Police Station Nurpul Bedi, District Rupnagar.
2. Learned counsel for the petitioners has, at the outset, drawn the attention of this Court to the allegations levelled in the FIR which has



been annexed as Annexure P-1. It has been submitted that the petitioners had been implicated as accused in the present case on the basis of misguided suspicion that both the petitioners along with the deceased consumed some intoxicant material and later on due to over-dosage of the intoxicants, the deceased died. Further, there was no witness to the alleged occurrence. It has been submitted that in fact the deceased was a drug addict and the intoxicants, if any, had been consumed by the deceased of his own accord, and not forcibly administered much less at the behest of the petitioners. A prayer has therefore been made in the aforementioned facts and circumstances to extend the concession of bail to the petitioners, who have now been in custody since 27th March 2024. It has also been submitted that the prosecution evidence is still underway and there is no possibility of the trial concluding in the near future.

3. Status report by way of affidavit of Sh.Ajay Singh, PPS Deputy Superintendent of Police, Sri Anandpur Sahib has been filed by learned State counsel on behalf of respondent No.1 in Court today. The same is taken on record. A copy thereof has been furnished to the counsel opposite.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from Inspector Gurvinder Singh, has reiterated the allegations levelled in the FIR which stand reproduced herein-under:

“Copy of statement, statement of Jaspal son of Tara Chand resident of village Chandpur Rurki Khurd, Police Station Pojewal District Shaheed Bhagat Singh Nagar aged about 53 years, mobile No. 8146071796. I would like to state that I am resident of above noted address and I am truck driver. On



26.03.2024 at around 03.00 PM, my nephew Sameer Chauhan aged about 21 years son of Paramjit Chauhan resident of village Chandpur Rurki Khurd along with his 5-6 friends came through a car at Sri Anandpur Sahib regarding Hola-Mohalla and they all stopped at the main road leading from Nurpur Bedi to Jhajj where Rehl is doing the work of car accessories. My nephew Sameer Chauhan and Gurpreet Singh @ Harry son of Balwinder Singh resident of village Rori, Police Station Pojewal, District Shaheed Bhagat Singh Nagar went to the house of Devinder Kumar son of Parshotam Lal resident of village Jatauli, Police Station Nurpur Bedi. I came to know that on arriving at the house of Devinder Kumar above said, my nephew Sameer Chauhan and Gurpreet Singh@ Harry have consumed some drugs and thereafter my nephew started vomiting, then above said Devinder Kumar has called Ambulance by making call at helpline No. 108 and he sent my nephew Sameer Chauhan with above said Gurpreet Singh@ Harry in 108 Ambulance to admit him in CHC Singhpur and on arrival at hospital, the doctor have checked and declared my nephew Sameer Chauhan as dead. His dead body is kept in the mortuary of Civil Hospital Sri Anandpur Sahib. This incident occurred due to negligence of Devinder Kumar and Gurpreet Singh@ Harry above said, legal action be taken against them. Today I along with my relative have got recorded my statement in the Police Station to you, heard, same is correct. Sd/- Jaspal supported by Sd/- Karan Singh son of Jaspal son of Tara Chand resident of village Chandpur Rurki Khurd Police Station Pojewal, mobile No. 95011-09747. Attested by Sd/- Dharampal, SI, Police Station Nurpur Bedi dated 27.03.2024.”

5. Learned State counsel has however not disputed that the petitioners have been in custody since 27.03.2024 and the prosecution evidence is still underway with 05 witnesses given up and only 02 witnesses been examined till date. It has still further been submitted that the next date fixed before the trial Court is today i.e. 23.10.2024.

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

7. The petitioners have been charged for offences under Section 304 of the IPC for allegedly administering an overdose of drugs to the deceased. As also not disputed by the learned State counsel, there is no witness to the alleged occurrence.

In the facts and circumstances as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioners.

8. Accordingly, the instant petition is allowed and the petitioners be admitted to bail on their 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.

9. Needless to add, in case the petitioners misuses the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

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

October 23, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No