



CRM-M-34271-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CRM-M-34271-2024

Date of Decision : 11.09.2024

Jaspreet Singh @ Vishu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Anureet S. Sidhu, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.0026 dated 09.03.2024 under Section 304 of the IPC, 1860 and under Sections 27/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Urban Estate, District Patiala (Annexure P-1).

2. The prosecution agency was set into motion, on a complaint made by Uma Rani, mother of the deceased Krishna @ Gopi. The relevant extract of the FIR (supra) reads as under :-

“About 2 months back my son Krishna became known to Jaspreet Singh @ Vishu s/o Darshan Singh R/O D.C.W. Patiala. Jaspreet Singh @ Vishu is habitual of Bad Company. He instigated my son to get into Bad Company and would also visit him. On 08-03-2024 at around 10 AM Jaspreet Singh came to our house on his Polo Volkswagen Car no PB 11CB- 7495 and took my son in



his car in front of me. I Waited for him for quite some time but when my son didn't come back, I started searching for him and somebody told me that your son was dropped by Jaspreet Singh @ Vishu and his father in street No. 7, Bajwa Colony in a serious condition from Car No PB 11CB-7495 And fled away. On which I along with my nephew Akash s/o Kailash Kumar reached Street No 7 Bajwa Colony Patiala where I saw my son Krishna Gopi Lying and then I took my son for treatment to Rajindra Hospital Patiala where Doctor Sahib pronounced my son Dead. Had Jaspreet @ Vishu and his father got my son Jaspreet @ Vishu treated then He could have survived. I suspect that my son died due being given some unknown substance in high Quantity by A Jaspreet Singh @ Vishu and his negligence.”

3. Learned counsel for the petitioner while referring to the contents of the FIR (supra), submits that at the best, it is a case of Section 304-A of the IPC, 1860, whereas, the prosecution in order to exaggerate the offence, added the offence under Section 304 of the IPC, 1860. He further submits that the father of the present petitioner i.e. Darshan Singh, who has also been arrayed as a co-accused, has already been granted the relief of regular bail by the learned trial Court concerned. He further submits that it is a case of overdose, as the petitioner and the co-accused, both are drug addicts, and on the fateful day, because of the overdose, the deceased Krishna could not survive, whereas, the petitioner somehow survived. He also submits that the petitioner has suffered incarceration of about six months, as on today and he has clean antecedents.

4. Custody certificate dated 10.09.2024, qua the petitioner, furnished by learned State counsel today in the Court. The same is taken on record. Copy thereof supplied to learned counsel for the petitioner.

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5. Learned State counsel has also placed on record short reply dated 06.09.2024, by way of affidavit of Mr. Manoj Gors, PPS, Deputy Superintendent of Police, City-II, District Patiala, on behalf of the respondent-State of Punjab, today in the Court. The same is also taken on record. Copy thereof supplied to learned counsel for the petitioner.

6. After perusal of the reply, learned counsel for the petitioner submits that since the offence under Sections 27/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, has been added in the instant FIR, now, same may be added in the instant petition as well. In view of the oral request made by the learned counsel for the petitioner, the offence under Sections 27/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, is ordered to be added in the head note as well as prayer clause of the instant petition.

7. Learned State counsel, on instructions imparted to him by the investigating officer concerned, has opposed the grant of relief of regular bail to the present petitioner and submits that in fact, Darshan Singh, the father of the co-accused and the present petitioner, thrown the deceased Krishna, out of the car on the fateful day in an unconscious condition, and this fact was captured in the CCTV footage. He further submits that the petitioner was found positive in a dope test. As per the postmortem report, the cause of death was due to morphine poisoning. Finally, he informs this Court that in the instant case, charges were framed on dated 06.08.2024, and till date, no prosecution witness has been examined, out of the total 17 witnesses, as cited by the prosecution.

8. This Court has heard the rival submission of learned counsel for the parties concerned and is of the view that the instant petition is amenable to



- (i) it is not under dispute that the cause of death is morphine poisoning i.e. overdose of narcotic contraband;*
- (ii) whether, the same has been administered to the petitioner or self consumed, is the moot question, which is yet to be established by the prosecution before the learned trial Court on production of evidence;*
- (iii) further the petitioner has clean antecedents and he has suffered incarceration of about six months as on today, and till date, the trial has not begin.*

9. Keeping in view the facts and circumstances of the case, further incarceration of the petitioner is not warranted at all, at this stage. Accordingly, the instant petition is **allowed**.
10. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.
11. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

September 11, 2024
Manpreet

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