

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

2024:PHHC:113953



(232)

**CRM-M-35826-2024(O&M)**  
**Date of Decision: 02.09.2024**

Karan

--Petitioner

Versus

State of Punjab

--Respondent

**CORAM:- HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.**

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Ms. Neha Sonawane, DAG., Punjab.

\*\*\*

**MAHABIR SINGH SINDHU.J**

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of bail pending trial to the petitioner in FIR No.52 dated 29.03.2021 registered under Section 304 IPC at Police Station Subhanpur, District Kapurthala.

2. Allegations are that petitioner gave excess dose of intoxicant substance to Inderjit Singh (husband of the complainant-Reena Rani) and later on he died.

3. Contends that as per medical opinion of Civil Hospital, Kapurthala dated 08.12.2022 (P-4). Cardiac arrest as cause of death in this case was not ruled out and no poison was detected in viscera report. Also contends that report under Section 173 Cr.P.C has already been presented before the court of competent jurisdiction and even charges were framed by learned trial Court on 23.10.2023.

4. *Per contra*, learned State counsel, although not been able to controvert the aforesaid factual position, but opposed the prayer for grant of

bail while submitting that allegations are very serious in nature.

5. Heard learned Counsel for the parties and perused the paper-book.

6. It is not in dispute that report under Section 173 Cr.P.C has already been presented in the Court of competent jurisdiction; charges were framed on 23.10.2023 and out of total 21 prosecution witnesses cited, none has been examined till date.

7. Also noteworthy that medical opinion clearly indicates that death in this case cannot be ascertained and possibility of sudden cardiac arrest is also not ruled out. For reference, the relevant part of report (P-4) reads as under:-

*“After receiving the reports of chemical examiner to government of Punjab. In this case where no poison has been detected in viscera and on postmortem examination there were no findings on the body of the deceased suggestive of being cause of death. So, in these circumstances cause of death in this case can't be ascertained. But possibility of sudden cardiac arrest cannot be ruled out.”*

8. Since possibility of cardiac arrest has not been ruled out vide medical opinion (supra), therefore, no purpose would be served by keeping the petitioner in custody any further.

9. In view of the above, present petition is allowed. Petitioner be admitted to bail pending trial on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)  
JUDGE

02.09.2024

lucky

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