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

CRM-M-36684-2024**Date of Decision: 06.08.2024**

Rattan Lal

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.51 dated 01.04.2024 registered under Section 304 of IPC and Sections 27, 29 of NDPS Act, at Police Station Dinanagar, District Gurdaspur.

2. The FIR in the present case was registered on the basis of the statement made by Gurpreet Singh son of late Sh. Lakhwinder Singh and the same has been reproduced below:-

“Statement of Gurpreet Singh aged about 31 years son of late Lakhwinder Singh resident of village Japuwal Police Station Dhariwal District Gurdaspur mobile no. 6006177989. Stated that I am a resident of the above address and I do the work as a carpenter. We are 2 brothers and 2 sisters and all are married. My Eldest Brother Sanjeev Kumar aged about 39 years son of Late Lakhwinder Singh Resident of Village Japuwal does the work as a Carpenter. On 01.04.2024, at



around 2:15 PM, my eldest brother Sanjeev Kumar had come on my motorcycle Hero HF Deluxe black coloured having no.PB 06 AZ 1180, from the house while saying to go to Gurdaspur. At around 4.31 pm, on my mobile phone no. 6006177989, our villager Ratan Lal son of Gurgyal Singh resident of Japuwal called me on his mobile phone number 6280717020 by making whatsapp call and told me that he and my elder brother Sanjiv Kumar had come to Dinanagar and both of them purchased intoxicant and had got the injections of intoxicant together and the health of my brother Sanjeev Kumar deteriorated and we are in the field near Dinanagar Bypass. That thereafter I called him on WhatsApp and asked everything and I reached the place told by Rattan Lal and I went to the Eastern side in the field where our said motorcycle was parked on the kacha road and a little ahead on the turn of the kacha road, my elder brother Sanjeev Kumar was lying on his back on the kacha road. I checked my brother who was bleeding from the nose, mouth and there was a mark of ejection needle on his left arm and the vein was blue/black. His stomach was swollen a lot. That in the meantime, my Behnoiya Chanan Masih son of Yusuf Masih, resident of village Ghorhewah, Police Station Kahnuwan presently resident of Prem Nagar, Gurdaspur, also came at the spot and Rattan Lal abovesaid was also found present at the spot. We arranged a vehicle and took Sanjeev Kumar to the Civil Hospital in Gurdaspur, where the doctor checked my brother Sanjeev Kumar in emergency and declared him dead. That I have kept the dead body of my brother Sanjeev Kumar in the mortuary. The death of my brother Sanjeev Kumar has happened due to getting intoxicants with above said Rattan Lal and Ratan Lal himself had brought my elder brother Sanjeev Kumar with him to Dinanagar to get the intoxicants. That this incident has happened due to taking injections of



intoxicant heroin. I along with Kuldeep Singh son of Buta Singh resident of village Japuwal, were coming to inform you and you have met me. I have got recorded my statement regarding the incident. Legal action be taken against Rattan Lal abovesaid and the person from whom the heroin has been purchased. I have heard the statement and read it, it is correct. Sd- Gurpreet Singh.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and had no concern with the allegations levelled by the complainant in the present FIR. In fact, the petitioner had himself called the brother of the deceased and had helped him in shifting the deceased to the hospital. Learned counsel further contends that even the offence under Section 304 IPC has been wrongly added in the present case as the petitioner had neither sold the contraband to the deceased nor administered him. He further contends that the petitioner was arrested in the present case on 01.04.2024 and after completion of the investigation, the final report under Section 173 Cr.P.C. has been presented before the competent Court. He further contends that there are total 21 prosecution witnesses and no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.



6. In the present case, the petitioner has already undergone more than 04 months of actual custody and the final report under Section 173 Cr.P.C. has already been presented before the competent Court. The prosecution is yet to lead evidence before the trial Court to prove the charge under Section 304 IPC against the petitioner, in the present case.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

06.08.2024.

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(N.S.SHEKHAWAT)
JUDGE

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