



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246

CRM-M-37496-2024

Date of decision: August 8th, 2024

Amandeep Singh @ Ramna

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saksham Dudeja, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.135 dated 18.11.2023 under Sections 304/34 of the IPC registered at Police Station Koom Kalan, Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 03.12.2023 in a case of false implication. Investigation in the present case is complete as even challan stands presented, however, neither has the prosecution evidence commenced nor any charges framed till date. Hence, there is no possibility of the trial concluding in the near future. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been further argued that the petitioner was not named therein nor any suspicion raised qua his involvement in the crime in question. Later on, he was arraigned as an accused and even therein, the only role attributed was that he held the deceased by his arms when

the latter was forcibly administered intoxicant by co-accused Joginder Singh alias Dodi. Learned counsel for the petitioner has argued that the falsity of the prosecution version particularly qua the forcible administration of intoxicant to the deceased is evident from the FSL report, wherein it was mentioned that no drug/poison was detected in the viscera of the deceased, which was sent to the FSL. It has also been submitted that co-accused Joginder Singh @ Dodi, who was the prime accused and had been attributed forcible administration of intoxicant, has since been granted the concession of bail vide order dated 19.07.2024 by this Court.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite has reiterated the allegations levelled in the FIR in question, which has been reproduced hereinunder:-

“Statement of Gurcharan Singh son of S. Maluk Singh resident of village Bhaini Sahib, Police station Koomkalan District Ludhiana, aged About 54 years, mobile number 79808-86012 stated that I am a resident of the above said address and I am doing Path Puja work at Bhaini Sahib Sahib, I have four children, a girl Sangeet Kaur, a boy Ganga Singh, Gurmail Singh and is Daya Singh, my boys Ganga Singh and Gurmail Singh stay at home, who are addicted to drugs, my son Daya Singh lives abroad in Thailand. On 17-11-2023 I was present at home, around 5-00/6-00 PM I saw that my two sons went out of the house, on which I suspected that they earlier had use to bring drugs, and even today they went to buy drugs, on which I was looking for my boys Gurmail Singh and Ganga Singh while searching towards village Gaahi Bhaini and village Ratnagarh Road I saw on the left side of the road in a deserted place about 8/9 boys were holding both my sons, out of which 5 boys were forcing my boy Gurmel Singh down and 4 girls were holding my son Ganga Singh, when I cried out loud, all of them on seeing me, they all ran away from the spot, on which I took out the syringe from the arm of my son Gurmel Singh and made Gurmel Singh sit down and my sons Gurmail Singh and Ganga Singh told me that we use to take intoxicants from these persons and use to take the same with then. Even today we came to them, where Gurpreet Singh alias Gopi son of Surjit Singh, Seelu son of Chinder, Joginder Singh alias Dodi son of Mukhtiar Singh, Kulwant

Singh alias Bhajan son of Bhajan Singh and Mukha Singh son of Balveer Singh were residents of village Chautan. Police Station Koomkalan District Ludhiana and 4 unknown persons were present then Joginder Singh @ Dodi's wife Balwinder Kaur and an unknown woman gave them the intoxicant, on which all these people started telling us use the intoxicant then Gurmel Singh said that I don't want to take drugs now, because I want to quit drugs. Then all these people started forcing us, then Seelu, Gurpreet Singh alias Gopi and 2-unknown persons grabbed my son Ganga Singh and others threw down my son Gurmel Singh and one unknown person and Kulwant Singh alias Laddu caught hold the arms of Gurmel Singh, Mukkha Singh and 1 unknown person caught hold the legs of and started telling him that if we do drugs, we will not let you quit drugs, because you do drugs with us every time, thereafter Joginder Singh @ Dodi injected the intoxicant by using syringe in the right arm of my son Gurmail Singh, in the meantime I reached at the spot and they all left and ran away from the spot leaving my sons behind and I took out the drug syringe from my son's arm and I came home with my sons, then around 8-30 PM my son Gurmel Singh's health suddenly deteriorated. Bleeding started oozing out from his nose, when I tried to take my son Gurmel Singh to the doctor in the meantime he died. That my Son died due to the reason that Joginder Singh alias Godi son of Mukhtiar Singh, Balwinder Kaur wife of Joginder Singh alias Dodi, Kulwant Singh alias Laddu son of Bhajan Singh, Mukkha Singh son of Balveer Singh and 5 unknown persons/women forcibly injected drugs to my son. So far I have been consulting with my family members, appropriate legal action should be taken against these persons....”

4. Learned State counsel has, however, not disputed the stage of trial and also the contents of the FSL report. It has been further submitted that the next date fixed before the trial Court is 12.08.2024 when the charges are likely to be framed.

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

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

August 8th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No