

SIDHARTH KUMAR @ NIKKU @ SIDHAT KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.S. Moudgil, Advocate for the petitioner.
Mr. Rahul Jindal, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.58 dated 25.03.2022 registered under Sections 302/201 of IPC at P.S. City-1, district Mansa, Punjab, wherein, the petitioner has been implicated against the allegations of having caused fatal injuries besides forcibly making deceased-Sunil Kumar consume poisonous substance.
2. The prayer made herein has been vehemently opposed at the instance of learned State counsel while submitting that the version given in the FIR was even reiterated by the eye-witness/complainant namely Sharda Rani(PW-1) who happens to be the real sister of deceased. Learned State counsel further points out that cause of death in the present case was due to consumption of poisonous substance which was even supported by the statement of the doctor besides the sister of deceased namely Sharda Rani (PW-1) and thus, the petitioner does not deserve the concession of bail.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
4. In the present case, the investigation stands concluded with the filing of challan followed by framing of charges and even the eye-witness as

well as other material witnesses including the doctor who examined the deceased has also appeared as witness and thus, there is no apprehension of exerting any kind of influence upon prosecution witnesses by the petitioner. Moreover, the petitioner is not involved in any other case and the trial is likely to take some time. Besides it, in the present case, the alleged incident took place on 16.03.2022 whereas admittedly, the deceased was taken to hospital on 19.03.2022 and in the first version which was recorded on 25.03.2022, later converted to FIR, the forcible consumption of poisonous substance was never recorded therein though, the same came later by way of a supplementary statement of Complainant. In addition, even Dr. Ankush Gupta who examined the deceased at the first instance while appearing as PW-6 in his cross-examination deposed to the following effect:-

“The relatives accompanying the patient stated to me that the patient may have consumed something poisonous, volunteered they were not sure of the same regarding the consumption of alleged poisonous substance.”

5. The aforesaid circumstance needs to be scrutinized during trial and considering the totality of circumstances, this Court does not find any justification to extend his incarceration any further.
6. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.
7. Nothing construed herein shall be treated as expression of opinion on the merits of the present case.

02.05.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No