

BUNTY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita Act, 2023(BNSS) for grant of regular bail in the following case (Annexure P-1) :-

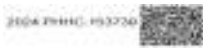
FIR No.	Dated	Sections	Police Station
29	17.06.2024	306, 506, 34 IPC	Dorangla, District Gurdaspur

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and he has no role in the demise of Jashanpreet Singh. He contends that the petitioner is in custody since 17.06.2024 and after completion of investigation, challan has already been presented in Court wherein the prosecution has cited 18 witnesses but none of them have been examined till date. He submits that the petitioner in not having any criminal antecedents.
- Hence, he prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel on instructions from ASI Davinder Kumar, Investigation Officer present in Court and also referring to the reply submitted by the State submits that the challan has been presented in Court and he has been nominated as accused in the present case on the basis of his name being mentioned by the deceased during his statement in the hospital, hence prayed for dismissal of the present petition.

5. After considering the rival contentions and perusing the record, it transpires that instant FIR was registered on the statement of Kuldeep Kaur stating that her son Jashanpreet informed her on telephone on 01.06.2024 at about 12:30 PM that a fight has taken place with Harpinder Singh, Bunty (present petitioner) Laddi and Jobanpreet Singh and they had threatened to eliminate him. According to the complainant due to this her son consumed some poisonous substance and is suffering from pain at their Motor in the village. She alongwith her father and other relatives went to the electric motor and took her son to Oberoi Hospital, Gurdaspur and on initial treatment on 03.06.2024 they brought him back to their home and again on 04.06.2024 due to pain he was taken to Oberoi Hospital, Gurdaspur and on 05.06.2024 he was referred to Atlantis Hospital, Amritsar where he ultimately died. The present FIR was registered and petitioner was arrested on 17.06.2024, since then he is in custody.

6. During course of submissions learned counsel for the petitioner has pointed out to the endorsements made by Oberoi Hospital on the application (Annexure P-3) moved by the police officials intimating that Jashanpreet Singh was admitted on 02.06.2024 and was brought by his mother Harvinder Kaur and grandfather Nirmal Singh and paternal uncle



Mohan Singh who were told that it is a police case but they told that they did not want any police action as Jashanpreet Singh has consumed some medicine by mistake. This fact is not disputed by the State and also find mention in the reply submitted by the State. It is the version of the prosecution that during course of treatment deceased Jashanpreet Singh named petitioner along three other persons on piece of paper as he was not in a position to make a statement and on that basis the petitioner had been arrested. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 18 witnesses but till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.11.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No