IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

302 **CRM-M-50290-2024**
Date of decision: 16th December, 2024

Rajvir Singh @ Bido

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J. S. Sandhu, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 40 dated 01.07.2024 registered under Sections 304 read with Section 34 of IPC, 1860 at Police Station Sadar Rampura, District Bathinda.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant making allegations that on 30.06.2024, the present petitioner along with the co-accused had given overdose of some contraband to his son on consuming which he had died and that they had caused the death of the victim. It was also disclosed by them that their son was addicted to drugs and from the last six months, he was undergoing

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treatment for de-addiction. The petitioner was arrested on 02.07.2024. Investigation has since been completed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. The deceased himself was a drug addict and died due to self consumption of drugs which were consumed in excess. The petitioner had no hand in the said consumption or in the death of the victim. He is in custody since 02.07.2024. The ingredients for commission of offence under Section 304 of IPC are not attracted at all. Trial is likely to take time. His further detention would not serve any useful purpose. As such, it is urged that he deserves to be released on bail.

4. Learned counsel for respondent-AAG, Punjab has argued that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned AAG, Punjab counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have made the victim take overdose of some narcotic substance/intoxicant, due to which he had died on 30.06.2024. It is a question of debate as to whether, the ingredients for commission of offence under Section 304 of IPC are attracted in this case or not and such question is to be decided on thorough assessment of evidence to be produced during the trial before the learned trial Court. The petitioner is in custody since 02.07.2024. Trial would take

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time to conclude. His further detention will not be of any gain. Keeping in view the above discussed facts, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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