

In The High Court for the States of Punjab and Haryana  
At Chandigarh

CRM-M-56035-2023 (O&M)  
Date of Decision:- 31.01.2024

Jaspreet Singh @ Jassi ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satveer Singh Badal, Advocate, for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

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| FIR NO. | DATE       | POLICE STATION          | OFFENCES                                    |
|---------|------------|-------------------------|---------------------------------------------|
| 52      | 07.08.2022 | Sadar Rampura, Bathinda | 304/34 IPC and Section 27/61/85 of NDPS Act |

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Rani Kaur wherein it is alleged that her son Manpreet Singh was having friendship with Amandeep Singh, Jaspreet Singh and Chhinda Singh and that all four of them used to stay together and were addicted to intoxicants. It is alleged that although the complainant used to advice her son to keep away from the aforesaid friends, but her son did not listen to her. It is alleged that on 06.08.2022 Amandeep Singh, Jaspreet Singh and

Chhinda Singh came to her residence and took away her son Manpreet Singh along with them. Her son had said that they were going for some work, but her son did not return back home. It is alleged that later Amandeep Singh and Jaspreet Singh brought back complainant's son Manpreet Singh on a motorcycle in an unconscious state while representing that they had met with an accident and that Manpreet Singh had sustained injuries. Since blood was oozing out from the nose of Manpreet Singh, he was taken to hospital, but he breathed his last while on the way. The complainant alleged that she strongly suspected that Amandeep Singh, Jaspreet Singh and Chhinda Singh in connivance with each other had administered some intoxicant to her son and due to an over dose her son had died.

3. Learned counsel submits that even if all the allegations are taken to be correct, it could at best be a case of death due to over dose of some intoxicant and that there is no evidence to show that the said intoxicant had been forcibly administered to the deceased. Learned counsel further submits that even the cause of death or the viscra report do not suggest presence of any poisonous substance and which would rule out any foul play.
4. Opposing the petition, learned State counsel submits that since the petitioner is specifically named in the FIR and there are allegations to the effect that he alongwith co-accused had taken away the deceased from his home and when he returned he was in an unconscious state, the accused had much to explain and apparently it is the accused who are responsible for his death. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the

last 1 year and 4 months. It has been infomed that although charges have been framed, but none of the cited 15 PWs has been examined till date. It has also been informed that the petitioner otherwise is not involved in any other case.

5. This Court has considered the rival submissions.
6. From the facts of the case, it will indeed be debatable as to whether it is a case which will attract offence under Section 304 IPC or as to whether it is a simple case of death on account of over dose of intoxicant. In any case, the petitioner has been behind bars for more than 1 year and 4 months. Conclusion of trial is likely to consume time inasmuch not even a single PW out of cited 15 PWs has been examined till date. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

31.01.2024  
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( GURVINDER SINGH GILL)  
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No