**CRM-M-60119-2023****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.217****Case No. : CRM-M-60119-2023****Date of Decision : July 23, 2024**

Vishal Vidhlan

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr.Rohan Mittal, Legal Aid Counsel
for the petitioner.

Ms.Avneet, AAG, Punjab.

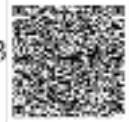
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GURBIR SINGH, J. :

1. Prayer in the present petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.340 dated 21.12.2022, under Section 304 IPC, registered at Police Station Sahnewal, District Ludhiana (Annexure P-1).

2. In brief, case of the prosecution is that complainant Manjit Kaur made a statement that her son Jagtar Singh was very weak due to intake of intoxicants. He used to purchase heroin etc. from Vishal (petitioner). On 19.12.2022, at about 05:00 PM, he had gone to purchase intoxicants from Vishal. After purchasing the same, he consumed the intoxicant in the house of one Guru son of Tarsem Singh, where he died due to overdose of drug

3. Learned counsel for the petitioner has submitted that the petitioner

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has been falsely implicated in this case. No recovery of drug has been effected from the petitioner. There was no link between the petitioner and son of the complainant. The petitioner is in custody since 05.09.2023. Since the trial may take a long time to conclude, the petitioner be granted concession of regular bail.

4. Learned State counsel has filed Status report by way of affidavit of Gur Iqbal Singh, PPS, Assistant Commissioner of Police (South), Ludhiana. Controverting the submissions made by learned counsel for the petitioner, learned Stated counsel has submitted that the petitioner is involved in two other cases under the NDPS Act and there is opinion of doctor that cause of death is due to poisoning.

5. Learned counsel for the petitioner has further submitted that no poison was detected in the viscera of the deceased, as per Chemical Examiner Report and the said fact has been mentioned in the Status Report itself. The finding of the concerned doctor, that the deceased died due to poisoning, was only on the basis of physical appearance of nail, beds and injection marks.

6. I have heard the submissions of learned counsel for the petitioner as well as learned State counsel.

7. The challan has been presented but no evidence has been collected to show that the deceased purchased intoxicants from the petitioner. Report of Chemical Examiner is that no poison was detected in the viscera of the deceased. The doctor has given opinion only on the basis of physical appearance of nail, beds and injection marks that the cause of death is due to



poisoning. Even no recovery of any drug was effected from the petitioner. Pendency of other two cases is no ground to decline the concession of regular bail to the petitioner in the present case. The trial of case is also likely to take a long time to conclude.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.

9. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

10. Pending applications, if any, shall stand disposed of along with the present petition.

July 23, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.