



225

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56664-2024

Date of decision : 20.11.2024

Gurtej Singh**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner for grant of regular bail in case FIR No.0030 dated 19.02.2023, under Section 346 IPC (Sections 304 & 201 IPC added lateron and Section 346 IPC deleted), registered at Police Station Sadar Nabha, District Patiala.

2. As per the facts of the case, the FIR was registered on the statement of Labh Singh S/o Harjeet Singh, wherein he alleged that his grandson namely, Sandeep Singh, aged 27 years, was a drug addict. He was admitted in the Drug De-Addiction Centre at Village Chaswal. After staying over there for 03 months, he stopped taking drugs. However, again he fell in the bad company and started taking drugs. He alleged that on 08.01.2023, he left home to pay obeisance at Amritsar, however, thereafter he did not return and thus, it was suspected that some unknown person has kidnapped him. The request was made to take the legal action in this case. After registration of the FIR, investigation commenced and the dead body Sandeep Singh recovered by Police on 26.01.2023. The name of the petitioner was surfaced during investigation of the case and thus, he was



arrayed as an accused and was arrested on 12.04.2023. Thereafter, the petitioner approached the Learned Additional Sessions Judge, Patiala for grant of bail, however, after hearing both the sides, the same was declined by the Learned Additional Sessions Judge, Patiala vide order dated 12.01.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that petitioner has been falsely implicated in the present case. He submits that the inquest proceedings under Section 174 Cr.P.C. was carried out. He submits that the first supplementary statement of the complainant was recorded on 20.02.2023 and the petitioner was not named in the FIR. He submits that however, on 15.03.2023, the second supplementary statement of the complainant was recorded and at this stage, the petitioner was named as an accused in the present FIR. He submits that no prior identification of the dead body was conducted by the investigating agency. He submits that as per the post-mortem report, Sandeep Singh died due to overdose of drug. He submits that there is no connecting evidence collected by the prosecution and thus, the incarceration of the petitioner is totally unwarranted. He submits that in the overall facts and circumstances of the present case, petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submitted that initially the FIR was registered for the offence under Section 346 IPC, however, during investigation it was found that the deceased was given the overdose of drug by the petitioner and co-accused, thereafter, they threw away the dead body of Sandeep Singh. He submits that the complicity of the petitioner was duly established during the investigation of the case. He



further submits that as per instructions, out of total 07 prosecution witnesses, 02 witnesses have been examined as on date. He submits that the petitioner has no criminal antecedents.

5. Heard. After hearing counsel for the parties and perusing the record, it is deciphered that the deceased went missing from the home on 08.01.2023. Thereafter, the FIR was registered after about 42 days i.e. on 19.02.2023. The dead body was found on 26.01.2023. The name of the petitioner surfaced in the present FIR in the second supplementary statement made by the complainant on 15.03.2023. As submitted by learned State counsel, out of total 07 prosecution witnesses, 02 have been examined and the petitioner has no criminal antecedents.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

20.11.2024

(RAJESH BHARDWAJ)
JUDGE

ps-I

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No