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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42900-2024
Date of decision:-09.01.2025

KULVIR SINGH @ KALA AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. P.S. Sekhon, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioners under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
25	23.04.2024	304 IPC	Cheema, District Sangrur

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case and are in custody since 23.04.2024 in the present case with which the petitioners have no concern. He submits that as per the allegations in the FIR, the deceased alleged to have left the house on 15.04.2024 and on 16.04.2024 his body was found near the petrol pump. The statement of his mother i.e. the



complainant was recorded by the police on 17.04.2024 wherein she alleged that her son has suffered natural death, however on 23.04.2024 the instant FIR was registered. He submits that in order to make out a case police has recorded statement of one Bhim Singh claiming to have stated that the petitioner along with deceased and one more person were seen taking drug through foil paper and on that basis the petitioners have been arrested. He contends that the petitioners have no role in the alleged crime nor have they been instrumental in the death of the deceased but implicated in the present case as a result of afterthought. He contends that the challan has already been presented in Court and it will take sufficient long time for disposal.

4. *On the other hand*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that the deceased had died due to drug over dose, wherein the petitioners have actively participated. He submits that although the challan has been presented after completion of investigation and the trial is going on but the petitioners being involved in heinous crime are not entitled to concession of bail.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of Malkit Kaur mother of the deceased. As per the FIR, on 15.04.2024 dead body of deceased was recovered near the petrol pump which was kept in the hospital for identification and on 17.04.2024 the complainant mother of the deceased identified the dead body and stated that her son used to take drugs and was even admitted to de-addiction center Pehowa but after some time he again started taking drugs. The deceased had left house on 15.04.2024 at about 11



am but did not return and his dead body was found lying in the toilet of petrol pump and the incident has taken place due to intake of drug over dose by her son and no one is responsible for the same and she does not want to take action against any body. Subsequently, postmortem was conducted and on the statement given by Malkit Kaur on 23.04.2024 the instant case was registered against the petitioners and one Arvinder Singh @ Soni. Consequently, the petitioner Kulvir Singh @ Kala was arrested on 23.04.2024 and petitioner Raghvir Singh @ Nikka was arrested on 19.05.2024 and after completion of investigation, challan has already been presented in Court wherein trial is going on. During course of arguments reference is made to the report of chemical examination wherein it is stated that no poison was detected and the death was due to cardiac failure. The police had recorded statement of one Bhim Singh claiming to have seen the deceased and the petitioners taking drug through foil paper. The Petitioner Raghvir Singh @ Nikka is having no criminal antecedents while petitioner Kulvir Singh @ Kala is having one more criminal case registered but he is on bail therein. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time as no witness till date has been examined.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioners behind bars. Therefore, the present petition is allowed. The petitioners are 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.

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

(SANJIV BERRY)
JUDGE

09.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |