



CRM-M-46916-2025(O&M)

1

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

110+234

CRM-M-46916-2025(O&M)

Decided on :18.11.2025

Michel Masih

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Abhishek Masih, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)**CRM-45514-2025**

i) Present application has been filed under Section 528 of BNSS, for placing on record the judgment dated 22.05.2025 passed in CRM-M-15539-2025 whereby co-accused namely Gourav, has already been granted the concession of regular bail by this Court, as annexure P-3.

ii) For the reasons enumerated in the application, same is allowed and the order dated 22.05.2025 is taken on record as Annexure P-3.

iii) Application stands disposed of.

CRM-M-46916-2025

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.10 dated 21.01.2024, under Sections 304, 201, 34 IPC, registered at Police Station Mukerian District Hoshiarpur.

2. As per the prosecution's version, both the accused—Michael (petitioner herein) and Gaurav allegedly were roaming together on a scooty, alongwith Dilpreet Singh @ Gandhi(since deceased), who was



later in night dropped at cremation ground, near railway station. During night, Dilpreet Singh @ Gandhi died and resultantly allegation was levelled that complainant's brother died due to the negligence of petitioner and his co-accused, who intentionally dropped the deceased in the cold night without any medical help.

3. Learned counsel for the petitioner submits that that no external injuries were found on the body of the deceased and, as per the Chemical Examiner's report, ethyl alcohol was detected in the viscera. The cause of death has been opined as asphyxia due to aspiration, which is sufficient to cause death in the ordinary course of nature. It has also come on record that the deceased was lying outside in a heavily intoxicated condition during the peak winter season.

4. Learned counsel thus contends that the death was a consequence of excessive alcohol consumption coupled with severe cold, and not the result of any overt act of violence. Therefore, even if the prosecution's case is taken at its face value, the allegations do not disclose any deliberate or intentional act of murder attributable to the petitioner.

5. Learned counsel additionally submits that co-accused Gaurav (in FIR, as unknown person) has already been granted the concession of regular bail by this Court vide order dated 22.05.2025 (P-3) passed in CRM-M-15539-2025. Petitioner is in custody since 25.01.2024 and no recovery has been effected from him. Accordingly, counsel prays that the petitioner be also released on regular bail.



6. On the other hand, learned State counsel, while relying upon the status report and opposing the prayer for bail, submits that petitioner is one of the two individuals allegedly responsible for the death of Dilpreet Singh. Learned State counsel further submits that the circumstances of the case and petitioner's presence with the deceased immediately prior to the incident warrant continued custodial interrogation. Learned State counsel contends that petitioner is involved in another criminal case, namely FIR No. 102 dated 06.06.2023, registered under Sections 457 and 380 IPC at Police Station Mukerian, District Hoshiarpur, which is presently pending trial. In view of petitioner's antecedents and the seriousness of the allegations, learned State counsel prays for dismissal of the present petition.

7. Heard learned counsel for the parties and perused the material available on record.

8. Taking into consideration the fact that the cause of death of deceased has been opined as asphyxia due to aspiration, that no external injuries were found on the body, that petitioner is in custody for the last about one year and ten months, and no recovery of any weapon or incriminating material has been effected from him, coupled with the overall circumstances surrounding the incident as reflected in the record, this Court finds it appropriate to consider the prayer for bail. It is further noticed that the trial is likely to take considerable time. In the considered view of this Court, the personal liberty of the petitioner cannot be curtailed for an indefinite period.

**CRM-M-46916-2025(O&M)****4**

Accordingly, without commenting upon the merits of the case, the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

10. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

18.11.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*