

252-CRM-M-61740-2023

2025:PHHC:006217



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-61740-2023(O&M)
Date of decision: 16.01.2025

Jaskaran Singh

....Petitioner.

Versus

State of Punjab

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rahul Bhargava, Advocate,
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR. Details of the FIR are as under: -

FIR No.	Dated	Section	Police Station
8	23.01.2023	304 IPC	Jodhan, District Ludhiana, Punjab

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the presumption and surmises. He contends that the petitioner has no concern with the demise of the son of the complainant. He contends that the deceased was addicted to drugs and was also taking treatment from the de-addiction Centre and has placed

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on record the details thereof. He contends that the petitioner is not having any criminal antecedents and the deceased has expired on account of drug overdose and a false case has been planted upon the petitioner. He contends that the petitioner is in custody since 31.01.2023 and during the course of trial, the complainant has been examined whose version is not inspiring confidence. He contends that the prosecution is yet to examine 10 more witnesses which will take sufficient long time.

3. *Per contra*, learned State counsel, referring to the reply submitted by the State has categorically stated that the petitioner had taken the deceased from the house of the complainant along with his vehicle and even when the deceased had fell unconscious and the complainant was called, the petitioner was standing there with a small bottle of medicine which is sufficient to infer that the petitioner was instrumental in the death of the deceased-Gurpreet Singh. Hence, prays for dismissal of the bail petition.

4. Considering the respective arguments and perusing the record, it transpires that instant case was registered on the complaint made by one Harjinder Singh that his son Gurpreet Singh had accompanied the petitioner on his vehicle from their house. After some time his brother in-law Kuldeep Singh informed the complainant that his son along with the vehicle were standing near the house of Gurdas Singh in unconscious state while the petitioner was standing there

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having medicine in his hand and then fled away from the spot and the son of the complainant was shifted to the hospital where he was declared dead. It is alleged that the petitioner was working in a medicine shop and was supplying intoxicant tablets to the deceased. Accordingly, the case was registered, subsequently, the petitioner was arrested on 31.01.2023, since, then he is in custody. After completion of investigation challan had been presented in the Court and during the course of trial, prosecution has cited 11 witnesses and only one witness i.e. the complainant has been examined vide Annexure P-4. The son of the complainant had expired allegedly on account of over dose and the petitioner is stated to be present near the place where the son of the complainant was lying unconscious in the vehicle. He was not apprehended at the spot, the version given by the complainant while appearing as PW-4 is already on the record and only PW-4 happened to be the material witness in the case. The criminal liability, if any, of the petitioner can only be ascertained after the conclusion of trial which may take sufficient long time and in these circumstances, as observed, no purpose would be served in keeping the petitioner in custody any longer to face the incarceration till the conclusion of trial.

5. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

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6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

9. Pending miscellaneous application, if any, also stands disposed of.

16.01.2025
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(SANJIV BERRY)
JUDGE

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