



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

**CRM-M-14237-2024  
Date of decision: 04.03.2025**

**Ram** **....Petitioner.**

**Versus**

**State of Punjab** **....Respondent.**

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

Present:- Mr. J.K. Singla, Advocate,  
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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**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 (Annexure P-1). Details of the FIR are as under: -

<b>FIR No.</b>	<b>Dated</b>	<b>Sections</b>	<b>Police Station</b>
86	16.08.2023	304, 120-B IPC	Bareta, District Mansa, Pb.

2. Heard.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent, having no concern with the demise of Rajwinder Singh @ Pappu, has been falsely implicated in this case by the police. He contends that the petitioner is in custody since 10.10.2023 and his name did not find mention in the FIR registered by the complainant, who happened to be the brother of the



deceased and the name of the petitioner for the first time cropped up after having more than 01 month 20 days of registration of the FIR, in the supplementary statement given by the complainant. He contends that the petitioner has no concern whatsoever with the alleged occurrence. He contends that after completion of investigation, challan has already been presented in the Court, wherein, prosecution has cited 21 witnesses but till date none has been examined. He contends that even as per the report of FSL no poison was detected and the opinion regarding the cause of death could not be ascertained. In these circumstances, he prays for grant of bail to the petitioner.

4. On the other hand, learned State counsel, referring to the status report dated 22.04.2024, has assailed these arguments by submitting that the petitioner had been instrumental in supplying of narcotic powder to the deceased and due to overdose, he had expired. He submits that the petitioner is not entitled to concession of bail, considering the gravity of the offence, however, he had admitted that none of the witnesses have yet been examined by the prosecution.

5. Considering the respective arguments and perusing the record, it transpires that the instant FIR was registered on the statement of the complainant, namely Gurpreet Singh son of Jugraj Sigh, consequent upon the recovery of dead body of his brother Rajwinder Singh @ Pappu. Initially, FIR was registered against one Gurpreet Singh son of Gurcharan Singh, and unknown persons and in the FIR it



is specifically alleged by the complainant that his brother left the house along with Gurpreet Singh, co-accused and in the evening he had transferred Rs. 1800/- on the asking of his brother in his mobile phone and when the brother did not return home during night, he tried to contact him on mobile phone which picked up by co-accused, namely Gurpreet Singh, who made excuses and subsequently the dead body of the deceased was recovered, later vide supplementary statement dated 01.10.2023 (Annexure P-2) made by the complainant, the petitioner was nominated on the allegations of having supplied the intoxicant powder to the deceased.

6. Admittedly, after completion of investigation, challan has already been presented in the Court and out of 21 witnesses, cited by the prosecution, none has been examined till date. The petitioner is in custody since 10.10.2023 and keeping in view the above stated facts and circumstances, it will take sufficient time for the learned Trial Court to conclude the trial to ascertain the criminal liability if any of the petitioner, no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial.

7. 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.



8. 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.

9. 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.

10. Petition stands allowed.

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

**(SANJIV BERRY)**  
**JUDGE**

**04.03.2025**  
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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |