



CRM-M-15539-2025

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

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**CRM-M-15539-2025
Decided on :22.05.2025**

Gourav

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Naresh Kumar Jindal, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

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. Learned counsel for the petitioner submits that the deceased in the present case is Dilpreet Singh @ Gandhi, who was last seen in the company of co-accused Michael, along with another unknown person. It was only after the arrest of co-accused Michael that the petitioner was implicated in the case through Michael's disclosure statement, identifying the petitioner as the previously unidentified companion mentioned in the FIR.

3. As per the prosecution's version, both accused—Michael and the present petitioner-Gourav, had allegedly consumed liquor along with the deceased, Dilpreet Singh @ Gandhi, at a cremation ground on the preceding night. It is contended that the death resulted from excessive



alcohol consumption combined with severe cold, rather than any overt act of violence. Therefore, learned counsel argues that, even accepting the prosecution's version at face value, the allegations do not disclose any deliberate or motivated act of murder attributable to the petitioner.

It is further submitted that the petitioner is in custody since 25.01.2024, and that the only piece of evidence connecting him to the alleged incident is the disclosure statement of co-accused Michael, which is inadmissible in law. No recovery has been effected from the possession of the petitioner, and even the cause of death of the deceased has not been conclusively ascertained till date. Thus, counsel prays for the grant of regular bail to the petitioner.

4. On the other hand, learned State counsel, while opposing the prayer for bail, submits that the petitioner is one of the two individuals alleged to be responsible for the death of Dilpreet Singh. It is contended that, at this stage, and in the absence of the report from the Chemical Examiner, it cannot be conclusively determined that the petitioner is completely innocent.

However, learned State counsel does not dispute the fact that, apart from the disclosure statement of co-accused Michael, no other substantive evidence is presently available with the prosecution. It is also not disputed that no weapon or any other incriminating material has been recovered from the possession of the petitioner.

5. Heard learned counsel for the parties and perused the material available on record. This Court, taking into consideration the



fact that the petitioner has been in custody for the last one year and five months, that no recovery of any weapon or incriminating material has been made from the petitioner, and that the only piece of evidence connecting him to the alleged offence is the disclosure statement of the co-accused, which is inadmissible in evidence, finds it appropriate to consider the prayer for bail.

It is further noticed that the cause of death of the deceased has not been conclusively established, and the report from the Chemical Examiner is still awaited. Additionally, it is not disputed that the petitioner has no previous criminal antecedents and was implicated only at a later stage, on the basis of the statement made by the co-accused.

Thus, without making any comments or observations on the quality/standard of the evidence collected by the prosecution, primarily considering the long incarceration and non-examination of the material witnesses, to the view point of this Court, personal liberty of the petitioner cannot be curtailed for an indefinite period.

6. Considering the aspects and circumstances, prayer made in 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.

7. 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



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independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. 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.

9. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

22.05.2025

Rashmi

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