

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5714-2025
Reserved on: 01.09.2025
Pronounced on: 09.09.2025

Shamsher Singh @ Talli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.P.S. Sandhu, Advocate,
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
220	16.09.2023	Maqboolpura, Amritsar	302, 379, 411, & 201 read with 34 IPC (Section 304 IPC deleted, aforesaid added)

1. The petitioner incarcerated in the FIR captioned above came before this Court, seeking regular bail.

2. As per para 13 of the bail petition and as per para 10 of the status report, petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	47	23.02.2023	21(b) of NDPS Act	Maqboolpura, Amritsar
2.	41	10.07.2022	107, 151 CrPC	Maqboolpura

3. The facts and allegations are taken from status report filed by the State, which reads as follows:

“3. That it is submitted that as per the report furnished by SHO P.S. Maqboolpura, Amritsar, on 11.09.2023, statement of the complainant Jatinder Singh S/o Jarnail Singh was recorded by ASI Baldev Singh, Police Station Maqboolpura, Amritsar; wherein it was stated that on 9.9.2023 at about 1:30PM, his son Manpreet Singh had gone to market and did not come back late evening. The complainant searched him at his own level but Manpreet Singh was not found. On 11.9.2023, the complainant came to know that the dead body of his son Manpreet Singh was lying in a vacant plot opposite DNR Hotel, Bhail Lalo Ji Nagar, main GT Road. The complainant along with his family members reached there and found that the dead body of his son Manpreet Singh was lying there which was decomposed. His son Manpreet Singh was having one mobile phone Oppo having SIM No.70872-xxxx, which was not with him. The mobile phone of his son be searched and post mortem of his dead body be got conducted. At that time, the complainant was not having any doubt on

anyone. Therefore, the proceedings under Section 174 Cr.P.C. were initiated vide GD No.29 dated 11.09.2023, PS Maqboolpura, Amritsar and post mortem of the dead body of the deceased Manpreet Singh was conducted by the investigating officer.

4. That thereafter on 16.09.2023, the Complainant Jatinder Singh again recorded his statement with SI Rajinderpal Singh, Police Station Maqboolpura, Amritsar; wherein it was further alleged that the complainant along with his brother Talwinder Singh and brother-in-law Gurwail Singh enquired about death of his son Manpreet Singh and came to know that on 09.09.2023, his son Manpreet Singh along with Harjinder Singh @ Mota had taken drugs from the present petitioner Shamsher Singh @ Talli. Harjinder Singh @ Mota had given overdose of drug in injection to his son Manpreet Singh; hence either due to overdose of drug or he sustained some injury which resulted into his death. He is confident that his son Manpreet Singh has died due to giving overdose of drug in injection by Harjinder Singh Mota or due to sustaining some injury. Therefore, based on the aforesaid statement of the complainant Jatinder Singh, the present case FIR No.220 dated 16.09.2023, under Section 304, 34 IPC, Police Station Maqboolpura, Amritsar was registered against Harjinder Singh @ Mota and present petitioner Shamsher Singh @ Talli.

5. That it is submitted that during the course of investigation of the present case FIR No.220 dated 16.09.2023 (supra), the co-accused Harjinder Singh @Mota was arrested on 17.09.2023 by the investigating officer and was subjected to custodial interrogation who disclosed that he is an addict and used to consume heroin and other drugs. The deceased Manpreet Singh was his known as Manpreet Singh was also an addict. On 09.09.2023, he (Harjinder Singh @ Mota) and Manpreet Singh had taken heroin of Rs.1000/- and they both went to a vacant plot opposite DNR Hotel. He (Harjinder Singh) was already having one injection. The heroin was mixed in water and injection was filled with heroin. Manpreet Singh took the injection while asking that firstly injection, he would inject half of the injection and thereafter, Harjinder Singh would inject remaining injection but Manpreet Singh himself administered the entire injection, due to which he (Harjinder Singh) got angry and he picked up one stone and hit it on the head of Manpreet Singh who fell down and he (Harjinder Singh) picked up mobile phone of Manpreet Singh and gave the mobile phone to the present petitioner Shamsher Singh @ Talli and had taken heroin of Rs.1000/- from the present petitioner Shamsher Singh @ Talli in lieu of the mobile phone of Manpreet Singh. The stone used for commission of offence was recovered based on the disclosure statement of the accused Harjinder Singh, which was taken into police possession. The identification of the accused Harjinder Singh @ Mota was made by the complainant Jatinder Singh and he also produced box of the mobile phone Oppo A-57 of the deceased Manpreet Singh having IMEI No.86576806xxxx and 8657680xxxx, which was taken into police possession. The accused Harjinder Singh @ Mota was produced before the learned jurisdictional Court, his police remand was obtained. After completion of police remand, he was again produced before the learned jurisdictional Court and was sent to judicial custody.

6. That it is submitted that during investigation of the present case FIR No.220 dated 16.09.2023, the post mortem report of the deceased Manpreet Singh was received and final cause of death was obtained from the doctor, which reads as, "All the injuries are antemortem in nature and as a result of blunt force. Cause of death in this case is failure of functions of brain as a result of head injury which is sufficient to cause death in ordinary course of nature". Therefore, offence under Section 304 IPC was deleted and offence under Section 302 IPC was added vide GD NO. 35 dated 20.10.2023. Hence, the co-accused Harjinder Singh @ Mota was rearrested on 26.10.2023 with the permission of the learned JMIC, Amritsar.

7. That it is submitted that during the course of investigation of the present case FIR No.220 dated 16.09.2023, the present petitioner-accused Shamsher @ Talli petitioner was arrested on 27 10.2023. The identification of the present petitioner was made by the complainant Jatinder Singh as that person from whom the deceased Manpreet Singh and co-accused Harjinder Singh @ Mota used to purchase heroin. The present petitioner Shamsher Singh @ Talli was subjected to interrogation during which he disclosed that on 09.09.2023, the deceased Manpreet Singh and co-accused Harjinder Singh had purchased heroin of Rs.1000/-. After about 02 hours, Harjinder Singh @ Mota again came to him and had given him one mobile phone made Oppo A-57, colour Sea Green and had taken heroin of Rs.1000/- from him. Based on the disclosure statement of the present petitioner Shamsher Singh @ Talli, the above said mobile phone made Oppo A-57, colour Sea Green, having IMEI No.8657680xxxx and 8657806xxxx was recovered from residential house of the present petitioner Shamsher Singh @ Talli, which was taken into police possession in accordance with law. The SIM card of the mobile phone was destroyed by the petitioner. The identification of the mobile phone was also made by the complainant Jatinder Singh. The present petitioner-accused Shamsher Singh @ Talli was produced before the learned jurisdictional Court and was sent to judicial custody. The offence under Section 379/411/2021 IPC was added vide GD No.24 dated 21.11.2023.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which reads as follows:

“ANTECEDENTS OF THE PETITIONER

10. That it is submitted that as per the information provided by SHO P.S. Maqboolpura, Amritsar, the present petitioner Shamsher Singh @ Talli is also found in another FIR No.47 dated 23.02.2023, under Section 21 (b) NDPS Act, Police Station Maqboolpura, Amritsar, which is pending for trial before the learned trial Court.

ROLE OF THE PETITIONER & GROUNDS FOR DISMISSAL OF THE PETITION

11. That it is respectfully submitted that keeping in view the totality of the facts and submissions made hereinabove, it is evident that the allegations levelled against the present petitioner-accused Shamsher Singh @ Talli in the present case FIR No.220 dated 16.09.2023 (supra) are grave in nature. The present petitioner Shamsher Singh was involved in drug peddling. The deceased Manpreet Singh and co-accused Harjinder Singh @ Mota had purchased heroin from the present petitioner. Thereafter, the co-accused Harjinder Singh @Mota hit a stone on the head of the deceased and stole his mobile phone, which was sold to the present petitioner Shamsher Singh @ Talli in lieu of heroin of Rs.1000/- which was again purchased from the present petitioner Shamsher Singh @ Talli by the co-accused Harjinder Singh @ Mota. This stolen mobile phone was recovered from residential house of the present petitioner Shamsher Singh @ Tall. The present case is now pending for trial, charge has been framed and prosecution witnesses are being examined by the learned trial Court and many material witnesses are yet to be examined. There is complete apprehension that the petitioner can tamper with evidence while intimidating or influencing the

prosecution witnesses, if he is released on bail, which would prejudice the trial of the case. As such, the present petitioner Shamsher Singh @ Talli is not entitled for the relief of regular bail. Therefore, the present petition is liable to be dismissed.”

REASONING:

7. There is sufficient evidence against the petitioner, mobile phone of the deceased recovered from the petitioner and sim card of the phone was found destroyed by petitioner and at this stage it shall not be appropriate to make a finding that the chain of circumstances is incomplete, leaving it open for the trial Court. Its not the case of drug overdose but as per the postmortem examination, the cause of death is injury on vital part i.e. head, and indicates use of force and violence.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner's custody of around 01 year and 10 months cannot be termed prolonged, given the minimum sentence prescribed for the offense.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition dismissed.** All pending applications, if any, are disposed of.

**(ANOOP CHITKARA)
JUDGE**

09.09.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.