

2025:PHHC:080029



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

**CRM-M-59226-2024**

**Date of Decision: 07.07.2025**

Balbir Singh @ Babu

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**Present:** Mr. Pankaj Bali, Advocate  
for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

\*\*\*

**RAJESH BHARDWAJ, J. (ORAL)**

1.            Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.113 dated 12.06.2024 under Sections 304/120 of IPC, 1860, registered at Police Station Khanna, City-2, Police District Khanna (Annexure P-1).

2.            Succinctly, facts of the case are that the on 12.06.2024, FIR was registered on the statement of Akbri wife of Mohd. Sadiq. It was alleged that she had two children. The elder son was Azam Mohd., 25 years of age (deceased) and younger to him is her daughter Rabia wife of Babbu. It was alleged that on 04.06.2024 at about 10:30 am one boy, who was working with his son told her that her son Azam Mohd. has died. The proceedings under Section 174 Cr.PC were conducted and the postmortem of her son was conducted in Civil Hospital, Khanna. Thereafter, she learnt that her son died due to overdose of narcotic substances which was administered to him by one Balbir Singh (petitioner) son of Hari Singh . The request was made to take legal action against the culprit. On

registration of the FIR, the investigation commenced. The petitioner was arrested on 12.06.2024. He approached the Court of learned Additional Sessions Judge, Ludhiana praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 25.10.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been contended by the learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the deceased died because of overdose, which was administered by the deceased himself and the petitioner has no role in the same. He submits that during the investigation, the statement of Swaran Singh and Davinder Singh under Section 161 Cr.PC were recorded wherein they deposed that the deceased and the petitioner injected himself with the drug (*Chitta*) in their presence. He submits that in view of the facts and circumstances of the case, *mens rea* as alleged is not made out against the petitioner. It is submitted that the petitioner is behind the bars since the date of his arrest i.e. 12.06.2024. Thus, it is submitted that in view of the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that the petitioner was in the company of the deceased and it is the petitioner, who had injected drug to the deceased and as per postmortem report, the deceased died due to overdose of drug. She has placed on record the custody certificate of the petitioner and submits that the petitioner is involved in another case also, although, he has been acquitted in that case. On instructions, she submits that the charges have been framed and out of total 12 prosecution witnesses, no witness has been examined so far.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner had been alleged to have injected the drug to the deceased. However, the statement of the eye-witnesses has been produced on record. Investigation has already been stands completed and the charges have been framed. The custody certificate would show that petitioner is involved in one another case also, although, he has been acquitted in the same. Out of total 12 prosecution witnesses, no witness has been examined till date. The custody certificate would further reflect that the petitioner is behind the bars since the date of his arrest and has suffered incarceration of 01 year and 22 days as on 06.07.2025.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

**07.07.2025**

*Parveen kumar*

**(RAJESH BHARDWAJ)  
JUDGE**

Whether speaking/reasoned :Yes/No  
Whether reportable :Yes/No