

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

2025:PHHC:066868



(250)

CRM-M-1557-2025

Date of Decision: 19.05.2025

Avtar Singh @ Tara

--Petitioner

Versus

State of Punjab

--Respondent

**CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

Present:- Mr. Bhavesh Aggarwal, Advocate for petitioner.

Mr. Amit Rana, Sr. DAG, Punjab assisted by  
ASI Ranjeet Singh.

\*\*\*

**MANJARI NEHRU KAUL.J (Oral)**

1. The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.68, dated 09.07.2024, under Sections 105, 3(5) of BNS, registered at Police Station, Dehlon, District Ludhiana Police Commissionerate.

2. Learned counsel for the petitioner has drawn the attention of this Court to the contents of the FIR which has been annexed as Annexure P-1. It has been argued that the perusal of the allegations levelled in the FIR come across as most improbable and unnatural. Counsel has contended that as per the case of the complainant, his son left in the company of the petitioner and co-accused on 04.07.2024 and thereafter he did not return to home. However, strangely for reasons which are not even forthcoming in the FIR, the complainant chose to sit mum for as long as 5 days without as much as even lodging a missing report or a complaint against the petitioner and the co-accused. While lodging the FIR, the complainant (father of the

deceased) made a bald and vague statement that on 04.07.2024 the petitioner along with the co-accused had lured his son and thereafter only his dead body was recovered after 5 days; the accused including the petitioner were drug addicts and had in all probabilities forcibly injected intoxicant to his son which proved to be fatal for him. Counsel has submitted that the investigation in the present case is complete, however, charges are yet to be framed. Therefore, the question of trial concluding in the near future does not arise more so when as many as 12 prosecution witnesses have been cited.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has reiterated the allegations levelled in the FIR which stands reproduced here under:-

*“Statement of Surinder Singh son of Karam Singh resident of Near Goel Hospital, Sahnewal Road, Dehlon, Police Station Dehlon, District Ludhiana aged about 50 years, Aadhar Card No.8191-8659-9895, Mobile No.94781-36489. Stated that I am resident of above mentioned address and is a laborer. My one son Jaswinder Singh alias Mitha aged about 19 years was working as a private electrician. Avtar Singh Tara son of Balbir Singh resident of Village Gopalpur, Himmat Singh son of Ranjeet Singh resident of Village Lapran, District Ludhiana and Tejwant Singh alias Kala son of Mangat Singh resident of Village Bhutta were friends of my son Mitha, who often used to visit our house with my son, who were drug addicts, who were warned by me from visiting our house. My son did not take any drug. On 04.07.2024, at about 10 AM, Tejwant Singh, Himmat Singh and Avtar Singh came to our house and took my son along with them. When my son did not return home till evening, then I kept on asking about my son Mitha from Tejwant Singh, Himmat Singh and Avtar Singh,*

who didn't give any information to me. Yesterday on 08.07.2024, I learnt that the dead body of my son is lying in the sugarcane field on the road leading from Mukandpur to Village Bhutta. When I visited the spot and saw that the dead body of my son was lying in the sugarcane field. My son Jaswinder Singh Mitha has deliberately been instigated by Avtar Singh Tara son of Balbir Singh resident of Village Gopalpur, Himmat Singh son of Ranjeet Singh resident of Village Lapran, District Ludhiana and Tejwant Singh alias Kala son of Mangat Singh resident of Village Bhutta to consume some intoxicant substance, by consuming which, my son Jaswinder Singh Mitha has died. Kindly take appropriate legal action against Tejwant Singh, Himmat Singh and Avtar Singh. Today I along with my son Gurjant Singh has come to you and recorded my statement. Read over, heard, which is correct. Sd/-Surinder Singh (Statement recorded by Surinder Singh above). Statement supported by Sd/-Gurjant Singh (Gurjant Singh son of Surinder Singh resident of Village Dehlon, Sahnewal Road, District Ludhiana, 78370-25830). Attested Sd/-Ranjeet Singh ASI, Police Station Dehlon, District Ludhiana dated 09-07-2024. Police proceeding: On 08.07.2024, I ASI has been informed by Police Station Munshi that the dead body of someone is lying in the sugarcane field on the road leading from Mukandpur to Bhutta, reach the spot and take action, following which, I ASI along with companion employees reached the spot, where, Surinder Singh along with other persons found present, who disclosed that this dead body is of my son Jaswinder Singh Mitha, who stated that at present I am not in a position to record my statement and will get the same recorded in morning in the presence of my family members. The dead body of deceased Jaswinder Singh alias Mitha got placed in the mortuary of Civil Hospital, Dehlon. Today I ASI along with ASI Avtar Singh No.555/Ldh., Head Constable Balwinder Singh No.3703/Ldh., Constable Sandeep Singh No.4047/Ldh. was present at Police Station. Then

*Surinder Singh along with his son Gurjant Singh came at police station and recorded his above statement, whose statement has been written word to word and read over to him, who after reading, hearing and accepting the same as correct, put his signatures on the statement and his son Gurjant Singh supported the same, to which, I ASI attested. From the contents of statement, upon finding the commission of offence under section 105, 3(5) of B.N.S., the same has been handed over to ASI Harmesh Lal No.275/Ldh., Head Munshi of Police Station for getting the registration of case under offence above against Tejwant Singh, Himmat Singh and Avtar Singh with a direction to inform the case number after its registration. Special reports be issued. I ASI along with companion employees is busy in investigation. Sd/-Ranjeet Singh ASI, Police Station Dehlon, District Ludhiana dated 09-07-2024. Within the limits of Police Station Dehlon. Time: 11.40 AM. Upon receipt of above statement today at Police Station, the above numbered case under offence above against the aforesaid accused persons has been registered and original statement along with copy of FIR is being sent to ASI Ranjeet Singh No.179/Ldh. on the spot for investigation by hand through PHG Gurdeep Singh No.17251. Special reports are prepared and are being sent to higher officials and Illaqa Magistrate by hand through Constable Tejinder Singh No.3229/Ldh. Control Room has been informed through wireless. Closing of Rapat No.17 at 12:45 PM.”*

4. It has been further submitted by the learned State counsel that a perusal of the contents of the FIR which stand reproduced hereinabove clearly reveals that while lodging the FIR the father of the deceased had not only named the petitioner but had raised a suspicion qua his involvement in the unnatural death of his son. Learned State counsel, however, on being pointedly asked as to whether any missing report had been lodged by the complainant after the deceased went missing on 04.07.2024, on instructions, has replied in the negative. State counsel has also not disputed that charge

sheet stands presented and the next date fixed before the Trial Court is 02.06.2025 when in all likelihood charges will be framed.

5. I have heard learned counsel for the parties and examined the material on record.

6. In the facts and circumstances as enumerated hereinabove and also the allegations contained in the FIR, this Court deems it fit to extend to the petitioner the concession of bail, who has been now in custody since 09.07.2024. As many as 12 prosecution witnesses have been cited, however, none has been examined till date as charges have also not been framed and are likely to be framed on the next date of hearing.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**19.05.2025**

lucky

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