

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:080191



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CRM-M-30188-2025

Date of decision: 07.07.2025

Suraj Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL):

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.22 dated 02.02.2025 registered for the offences punishable under Section 105 of BNS, 2023 at Police Station Canal Colony, Bathinda, District Bathinda.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

"Statement of Urmila Devi wife Surinder Kumar son Ram Avtar, resident of street number 01/06, Bangi Nagar (Khajur Wali Street) Bathinda aged about 45 years, mobile number 81959-06306," states that I am a resident of the above address and a household lady. My marriage was solemnized with Surinder Kumar about 23/24 years ago. We have three children, out of which the eldest

daughter is Geeta Anjali, the younger son is Pankaj Kumar and the youngest son is Kamaljit. My son Pankaj Kumar aged about 20 years, who was working as a private DJ for the last 3/4 years with Nitish resident of Lal Singh Basti. He used to go home every morning after eating food and would return home after working in the evening and sometimes he worked at night too. On dated 20-01-2025, at about 04 o'clock in the evening, he went from the house saying that we have a program for the night. Then the whole family had eaten food and went to sleep at night. When in the morning I woke up, I saw that my son had not returned home. I kept waiting for him. I contacted Nitish about this, who told me that all the boys who work for me had left me after returning from work at that night. We kept investigating this but we did not get any information about our son. On 26-01-2025, Chowki Vardhman informed us about my son not coming home and we were asked by the police to provide photos of our son. Then on 29-01-2025, we came to the police post with photos of our son Pankaj Kumar. In the evening, the police told us that on 21-01-2025, during the day, the dead body of a young boy was found in a slum built in an empty plot near the Toyota Agency near Bathinda-Dabwali Road, whose appearance matches with this photo. The post mortem of the young boy's dead body was done on 25-01-2025 with the help of Sahara Jan Sewa. Then we went to the office of Sahara Jan Sewa Bathinda and showed the photo there, they told us that the boy in this photo was found on 21-01-2025. The body was found in an unclaimed condition and was cremated as per the rituals on 25-01-2025. When we investigated this matter, it was found that on 20-1-2025 at around 11 pm, my son Pankaj Kumar and his friend Gurpreet Singh alias Gokha, son of Singh, resident of near Purana Thekka, Amarjit Pakka Dhobiana, Lovedeep Singh alias Labhi, son of Rajesh Kumar, resident of street number 01/05,

Bangi Nagar, Bathinda, and Karamjit Singh alias Kala, son of Amarjit Singh, resident of near Purana Thekka, Pakka Dhobiana, all four of them had returned from their work. These four people had come in the car of the owner Pankaj Kumar, Mahindra Super, color white, number PB03-AY- 3379. They had bought drugs from Suraj Singh, son of Jangir Singh, resident of Basti No.02, Bir Talab, Bathinda and on returning, Lovedeep Singh alias Labhi, Gurpreet Singh alias Gokha and my son Pankaj Kumar, all three of them, had stopped near the TOYATA agency near Bathinda- Dabwali Road and Karamjit Singh alias Kala, son of Amarjit Singh, resident of Thekha, pakka Dhobiana took a a near Purana Mahindra Supro vehicle, white color, number PB03 AY 3379 and went home. Later, Lovedeep Singh alias Labbi, Gurpreet Singh alias Gokha gave our son some drugs substance due to which he died. Both of them left my son's dead body there and ran away from the spot. Our son died because of Suraj Singh giving him drugs and Lovedeep Singh alias Labbi, Gurpreet Singh alias Gokha gave my son more drugs due to their negligence. If they had taken my son Pankaj Kumar to the hospital on time, his life could be saved. Regarding which I was coming to you today along with my son-in-law Sukhwinder Singh son of Mahinder Singh resident of street number 04 Amarpura Basti to give information. You have met me. Appropriate legal action should be taken against Suraj Singh, Lovedeep Singh alias Labhi and Gurpreet Singh alias Rakha. xxxxxxxxxxxxxxxxxxxx”

3. Learned counsel for the petitioner argued that the petitioner is in custody since 22.02.2025. Learned counsel for the petitioner further submitted that there is no direct allegation against the petitioner for causing the culpable homicide of the son of the complainant. Learned counsel for the petitioner has further submitted that even the Post-mortem Report

(PMR) indicates that no exact cause of death of the deceased can be opined upon. Thus, regular bail is prayed for.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 22.02.2025 & whereinafter investigation was carried out and challan was presented on 29.03.2025 wherein total 18 witnesses have been cited, out of which none has been examined till date. The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR in question shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 02.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration of 4 months and 6 days. Further, as per the said custody certificate the petitioner is stated to be involved in 8 other FIRs. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the

facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 07, 2025

Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No