

2025:PHHC:029159



213.

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

CRM-M-61745-2024

Date of decision: 01.03.2025

Sunil Singh @ Sheelu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner, in case FIR No.135, dated 18.11.2023, under Sections 304, 34 IPC, registered at Police Station Koom Kalan, District Ludhiana.

Learned counsel for the petitioner has submitted that although the prosecution has projected the instant case to be based on an eyewitness account, however, the scientific evidence is contrary to the case projected by the prosecution; allegedly, the deceased was forcibly administered intoxicants by the accused, including the petitioner, however, the report of the FSL was to the contrary, as no intoxicant/drug was found in the viscera of the deceased. Learned counsel submits that in the circumstances, the petitioner's false implication in the present case is evident and he deserves

to be extended the concession of bail, more so when identically placed co-accused, Joginder Singh @ Dodi, had already been extended the concession of bail by this Court, vide order dated 19.07.2024.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has, on instructions, not disputed that no intoxicant/drug was found as per the report of the FSL in the case property which was sent, including the syringes. However, learned State counsel has submitted that as per the allegations in the FIR, the petitioner had held the arm of the elder brother of the deceased while the other co-accused tried to forcibly administered intoxicants to the deceased. Learned State counsel has not disputed that the petitioner has been in custody since 06.11.2024 and investigation in the present case is complete, with the challan having been presented. It has been further submitted, on instructions, that 15 witnesses have been cited by the prosecution, who have not yet been examined.

I have heard learned counsel for the parties and perused the material placed on record.

In the FIR in question, the complainant has alleged as under:-

“Statement of Gurcharan Singh son of S. Maluk Singh resident of village Bhaini Sahib, Police station Koomkalan District Ludhiana, aged About 54 years, mobile number 79808-86012 stated that I am a resident of the above said address and I am doing Path Puja work at Bhaini Sahib Sahib, I have four children, a girl Sangeet Kaur, a boy Ganga Singh, Gurmail Singh and is Daya Singh, my boys Ganga Singh and Gurmail Singh stay at home, who are addicted to drugs, my son Daya Singh lives abroad in Thailand. On 17-11-2023 I was present at home, around 5-00/6-00 PM I saw that my two sons

went out of the house, on which I suspected that they earlier had use to bring drugs, and even today they went to buy drugs, on which I was looking for my boys Gurmail Singh and Ganga Singh while searching towards village Gaahi Bhaini and village Ratnagarh Road I saw on the left side of the road in a deserted place about 8/9 boys were holding both my sons, out of which 5 boys were forcing my boy Gurmel Singh down and 4 girls were holding my son Ganga Singh, when I cried out loud, all of them on seeing me, they all ran away from the spot, on which I took out the syringe from the arm of my son Gurmel Singh and made Gurmel Singh sit down and my sons Gurmail Singh and Ganga Singh told me that we use to take intoxicants from these persons and use to take the same with them. Even today we came to them, where Gurpreet Singh alias Gopi son of Surjit Singh, Seelu son of Chinder, Joginder Singh alias Dodi son of Mukhtiar Singh, Kulwant Singh alias Bhajan son of Bhajan Singh and Mukha Singh son of Balveer Singh were residents of village Chautan. Police Station Koomkalan District Ludhiana and 4 unknown persons were present then Joginder Singh @ Dodi's wife Balwinder Kaur and an unknown woman gave them the intoxicant, on which all these people started telling us use the intoxicant then Gurmel Singh said that I don't want to take drugs now, because I want to quit drugs. Then all these people started forcing us, then Seelu, Gurpreet Singh alias Gopi and 2-unknown persons grabbed my son Ganga Singh and others threw down my son Gurmel Singh and one unknown person and Kulwant Singh alias Laddu caught hold the arms of Gurmel Singh, Mukkha Singh and 1 unknown person caught hold the legs of and started telling him that if we do drugs, we will not let you quit drugs, because you do drugs with us every time, thereafter Joginder Singh @ Dodi injected the intoxicant by using syringe in the right arm of my son Gurmail Singh, in the meantime I reached at the spot and they all left and ran away from the spot leaving my sons behind and I took out the drug syringe from my son's arm and I came home with my sons, then around 8-30 PM my son Gurmel Singh's health suddenly deteriorated. Bleeding started oozing out from his nose, when I tried to take my son Gurmel Singh to the doctor in the meantime he died. That my Son died due to the reason that Joginder Singh alias Godi son of Mukhtiar Singh, Balwinder Kaur wife of Joginder Singh alias Dodi, Kulwant Singh alias Laddu son of Bhajan Singh, Mukkha Singh son of Balveer Singh and 5 unknown persons/women forcibly injected drugs to my son. So far I have been consulting with my family members, appropriate legal action should be taken against these persons....”

Concededly, it has not been alleged that the petitioner forcibly administered any intoxicant/drug to the deceased and the only role attributed to him is of holding the arm of the elder brother of the deceased while the latter was being forcibly administered intoxicants. The FSL report with respect to the viscera of the deceased containing intoxicants is contrary to the case projected by the prosecution.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

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.

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

March 01, 2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No