



CRM-M-55053-2025

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

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**CRM-M-55053-2025
Decided on : 09.10.2025**

ARSHDEEP SINGH ALIAS YODHA

.....Petitioner

Versus**STATE OF PUNJAB**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Neeraj Jain, Advocate, for the petitioner.

Mr. Bareen Pratap Singh, AAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Arshdeep Singh @ Yodha	19	08.02.2025	105 of BNS	Sadar Sri Muktsar Sahib	Sri Muktsar Sahib

2. Learned counsel for the petitioner submits that complainant, Pipal Singh, aged 65 years, lodged a complaint regarding the death of his younger son, Gurwinder Singh, who was unmarried. It was alleged that Gurwinder Singh was in regular contact with Arshdeep Singh @ Yodha (petitioner herein) and had mentioned that he, along with (i) Manjura Devi @ Mooli, (ii) Shameer, (iii) Rajni, (iv) Nasib Khan, and (v) Pappu,



were addicted to drugs. Complainant had warned his son to avoid the company of the petitioner; however, Gurwinder Singh continued to associate with him and was allegedly taken away forcibly.

It is further alleged that on the day of the incident, i.e., 08.02.2025, Arshdeep Singh @ Yodha took Gurwinder Singh to Village Dhigane under the pretext of doing fodder work (*toori*). However, around 9:00 AM, petitioner returned alone. When the complainant questioned him about Gurwinder Singh, no satisfactory response was given, and petitioner allegedly fled from the spot. Later, with the help of his elder son, Baljinder Singh, complainant found Gurwinder Singh's dead body lying near the canal of Village Barkandi Tibi, where crowd had gathered. The complaint states that Gurwinder Singh died due to drugs allegedly administered by Arshdeep Singh @ Yodha and the other named co-accused.

Based on these allegations, FIR was registered under Section 105 of the Bharatiya Nyaya Sanhita, 2023 (equivalent to Section 304 IPC), against the petitioner and the other accused, in connection with the death of Gurwinder Singh.

3. Counsel for the petitioner contends that prosecution's case is not based on any specific allegation that petitioner intentionally caused death of the complainant's son. Instead, the case rests solely on the allegation that deceased was in the company of individuals, including the petitioner, who were allegedly drug addicts. It is argued that no offence, as punishable under any provision of law, can be made out on such a vague premise.



4. Furthermore, counsel for the petitioner submits that there is no direct evidence to suggest that petitioner administered any drugs or narcotic substances to Gurwinder Singh, with the intention to cause his death.

It is also pointed out that co-accused Sameer Khan @ Sameer has already been granted anticipatory bail by this Court, vide order dated 20.08.2025 passed in CRM-M-38009-2025 (Annexure P-6), wherein this Court observed that State was unable to produce any direct evidence linking the accused to the death of Gurwinder Singh.

5. In the light of the above, and considering that petitioner is in custody for the past eight months and as of now, nothing requires to be recovered from his possession, counsel contends that petitioner cannot be kept in incarceration indefinitely without prosecution bringing forth unimpeachable evidence to establish the guilt. Therefore, it is prayed that petitioner be granted the concession of regular bail in the present case.

6. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 07.10.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 07 months and 28 days period inside jail.

7. Learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, submits that petitioner is the main accused in the case, as Gurwinder Singh (deceased)



was last seen in the company of the petitioner. However, no specific or direct evidence has been pointed out by learned State counsel to substantiate this claim, apart from the oral allegation made in the complaint.

8. On being asked by the Court, learned State counsel further informs that although investigation in the case has been completed, process of recording the statements of the prosecution witnesses is yet to commence. It is also stated that there are total 25 witnesses listed in the case.

9. This Court has heard the submissions made by counsel for the parties and has also perused the record available.

10. Undoubtedly, it is almost an admitted position in the case, as reflected from the complaint, that the deceased, Gurwinder Singh, was in habit of keeping company with individuals allegedly involved in drug abuse. However, there is no mention in the FIR that anyone, including the petitioner, was seen administering drugs to the deceased forcibly or against his will, with the intent to cause his death.

Furthermore, the allegations made against the petitioner and other co-accused are yet to be substantiated by the prosecution. It remains to be established whether the petitioner or the co-accused were in any way responsible for the death of Gurwinder Singh, or whether his demise was a result of his own actions and habits.

It is also relevant to note that petitioner has already undergone approximately eight months of incarceration, and trial is yet to commence. There are 25 prosecution witnesses, and their examination



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has not yet begun. Thus, culmination of trial is likely to take considerable time.

11. In view of the totality of circumstances, nature of the allegations, stage of trial, and the period of custody already undergone by the petitioner, this Court deems it appropriate to grant the concession of bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

14. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

09.10.2025

Lavisha

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**