

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22679-2025
Reserved on: 01.07.2025
Pronounced on: 08.07.2025

Jodha Singh @ Ranjodh Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mandeep Dhot, Advocate,
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
114	31.07.2022	Sadar Patti, District Tarn Taran	304, 34 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 12 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	14	09.01.2024	21 (C), 61/85 of NDPS Act	Goindwal Sahib, Distt. Tarn Taran

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the true facts pertaining to the present case are that the complainant namely Jajbir Singh son of Swaran Singh got recorded his statement before the Investigating Officer to the effect that they are three brothers. He is elder, then Nirmal Singh, and Gursahib Singh whose age is about 32-33 years, is youngest. His brother Gursahib Singh had fallen into bad company around one year ago and started taking drugs. On 31.07.22,

his brother Gursahib Singh said to him that he is going to the house of Jodha Singh son of Lakhwinder Singh @ Lakkha i.e. the petitioner who is resident of their village, who left the house with Rs.200/-. Around 9:00 AM, he was going to Bhai Laddhu Khurd for his work, near village cremation grounds which are on the road near the bus stop, his brother Gursahib Singh and Jodha Singh were sitting together there. He asked his brother what is he doing here? he replied that he had some work with Jodha. He went away from there. Later, he came to know that his brother Gursahib Singh was given an overdose injection of drugs by Jodha Singh, who is addicted and used to sell drugs, due to which, he died. Jodha Singh left the dead body at their house and fled. When he came to know, he came home and found his brother's dead body lying at home. He checked his body and found an injection mark on the wrist of his left arm. His brother Gursahib Singh's death occurred due to the drug injection given by Jodha Singh and strict legal action should be taken against him. In this regard, the present case FIR No.114 dated 31.07.2022, under Section 304 of IPC has been registered at Police Station Sadar Patti, District Tarn Taran against the petitioner namely Jodha Singh."

4. Counsel for the petitioner submits that he has no objection if this Court while granting bail imposes any stringent conditions including surrender of fire arms, if any. On instructions, counsel further submits that petitioner shall not repeat the offence and would not involve himself in the offence, where the sentence is more than 7 years and if he does so, he has no objection if the State files an application for cancellation of bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"EVIDENCE AGAINST THE PETITIONER:

14. That as far as evidence against the petitioner is concerned, it is submitted that there are direct allegations against the petitioner as the petitioner has been nominated on the basis of statement got recorded by the complainant. Moreover, the cause of death in the present case has also been received, as such, there is ample evidence against the petitioner.

ROLE OF THE PETITIONER:

15. That as far as role of the petitioner is concerned, it is submitted that the petitioner namely Jodha Singh has absented himself from the learned Trial Court for long time and even then, he did not bother to surrender before the learned Trial Court for facing the trial and if the petitioner will be released on bail, there is every chance that he can abscond. Moreover, the petitioner has also been declared proclaimed offender in the present case. As such, the petitioner is certainly not entitled for the concession of regular bail."

REASONING:

7. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 04.07.2024, passed by the trial Court.
8. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day and subject to compliance with the following conditions.
9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

CONDITIONS:

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	

3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.
14. The petitioner shall attend the Trial on every date and shall not seek any adjournment.
15. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**
16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

08.07.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.