

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.42177 of 2024
Date of decision: 4th September, 2024

Mukha Singh
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohit, Advocate for the petitioner.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.135 dated 18.11.2023 under Sections 304 and 34 of the IPC registered at Police Station Koom Kalan, District Ludhiana.
2. Learned counsel for the petitioner has submitted that although it has been projected to be an eye-witness account wherein allegedly the deceased was forcibly administered some intoxicant by the petitioner, however, the report received from the FSL was contrary to the allegations levelled in the FIR, as no traces of any intoxicant was found in the viscera of the deceased, sent by the Investigating Agency. Learned counsel has further submitted that in the circumstances, it is evident that the petitioner is innocent and has been falsely implicated in the present case. Learned counsel has also submitted that the



investigation in the present case is complete as challan stands presented, however, charges have not yet been framed and are likely to be framed only on the next date of hearing fixed before the trial Court i.e. 06.09.2024. He submits that since as many as 15 witnesses have been cited by the prosecution, possibility of the trial concluding in the near future seems improbable. It has still further, been submitted that identically placed co-accused Joginder Singh @ Dodi has since been enlarged on bail by this Court vide order dated 19.07.2024. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

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 has been reproduced hereunder:

“Statement of Gurcharan Singh son of Maluk Singh resident of Village Bhaini Sahib, Police station Koom Kalan, District Ludhiana, aged about 54 years, mobile number 79808-86012. Stated that I am resident of the above said address and I do Path Puja at Sri Bhaini Sahib. I have four children, a daughter Sangeet Kaur, son Ganga Singh, Gurmail Singh and Daya Singh. My both sons Ganga Singh and Gurmail Singh live at home only and they are addicted to drugs, other son Daya Singh lives abroad in Thailand. On 17-11-2023 I was present at home, around 5-6 PM I saw that my two boys left the house, on which I got suspected that they had brought



drugs like earlier and even today also they have gone to buy drugs. Upon which I went looking for my boys Gurmail Singh and Ganga Singh towards village Gahi Bhaini and village Ratnagarh Road, then I saw that on the left side of road at some quiet place 8-9 boys were holding my boys, out of which 5 boys had forcibly thrown my son Gurmail Singh on the ground and 4 boys were holding my son Ganga Singh. When I raised my voice then all of them ran away from the spot on seeing me. I took out the syringe from the right arm of my son Gurmail Singh and made Gurmail Singh sit down. Then my son Gurmail Singh and Gang Singh told me that they both often come here to buy drugs from these persons and to do drugs with them. Today also we had come to these persons, where Gurpreet Singh alias Gopi son of Surjit Singh, Seelu son Chhinder of Shinder, Joginder Singh alias Dodi son of Mukhtiar Singh, Kulwant Singh alias Labhu son of Bhajan Singh and Mukha Singh son of Balveer Singh all residents of Village Chauntan, Police Station Koom Kalan, District Ludhiana and 4 unknown persons were already present there. Then Joginder Singh alias Dodi's wife Balwinder Kaur and an unknown woman gave them drugs. Then all these persons asked us to do the drugs, but Gurmail Singh told them he did not want to do drugs anymore, because he wanted to quit it. So all these people started forcing us, and Seelu, Gurpreet Singh alias Gopi and 2-unknown persons caught my son Ganga Singh and others put down my son Gurmail Singh, and Kulwant Singh alias Laddu and an unknown person grabbed the arms of Gurmail Singh, Mukha Singh and 1 unknown person grabbed Gurmail Singh's legs and started saying to him that if we



do the drugs, then we won't not let you quit the drugs either, because you always take drugs with us. Upon which Joginder Singh alias Dodi put a drug syringe in right arm of Gurmail Singh. Thereafter upon my reaching there, all these persons left my sons and ran away from the spot. I took out the drug syringe from my son's arm and I came home with my two sons. Thereafter at around 8.30 PM my son Gurmail Singh's health suddenly deteriorated and his nose started bleeding. When I tried to take my son Gurmail to the doctor then in the meanwhile he died. That my son Gurmail Singh died because of Shelu @ Chhinder, Gurpreet Singh @ Gopi son of Surjeet Singh, 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 on account of forcibly giving drugs to him. Till now I was consulting the matter with my family members. Appropriate legal action against these persons should be taken. I have recorded my statement to you, which has been read over to me and the same is correct.”

4. Learned State counsel, on instructions, has not been able to dispute the submissions made by the counsel opposite that the FSL report is prima facie contrary to the allegations levelled in the FIR in question. It has been conceded by the learned State counsel that no poison much less any traces of intoxicants were found in the viscera of the deceased sent by the Investigating Agency. It has also not been disputed by the learned State counsel that identically placed co-accused



Joginder Singh @ Dodi has already been extended the concession of bail by this Court. However, while placing on record the custody certificate of the petitioner, learned State counsel has submitted that the petitioner is facing trial in two other cases under the NDPS Act.

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

6. The petitioner has now been in custody since 21.06.2024. There is no likelihood of the trial concluding in the near future as charges are yet to be framed and 15 witnesses have been cited by the prosecution. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 4, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No