

CRM-M-46181-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46181-2024
Reserved on: 04.12.2024
Pronounced on: 13.12.2024

Lovepreet Singh alias Love alias Baba ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. N.S. Dandiwal, Advocate
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
069	02.09.2023	Ramdass, Distt. Amritsar Rural	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 11 of the bail petition, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	126	28.11.2022	NDPS Act	---

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

“That the brief and relevant facts of the case are that the aforesaid FIR No. 69 dated 02.09.2023 was registered on the basis of the statement of Arshdeep Kaur wife of Gurpreet Singh, who had alleged therein that her husband Gurpreet Singh started consuming heroin after falling in bad company by purchasing it from co-accused Balraj Singh alias Bawa and Paramjit Singh alias Bhui and she and her mother-in- law had raised objection in that respect by visiting the house of Balraj Singh and Paramjit Singh to stop them from selling heroin to her husband. She further alleged that on 29.09.2023 at about 12:00 PM, her husband went

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outside the house with money and when he did not return home, she along with her mother-in law Sawinder Kaur went to the house of Balraj Singh and Paramjit Singh to search him and she saw that co-accused Paramjit Singh was holding a heroin injection and co-accused Balraj Singh injected the same in the arm of her husband after taking the same (injection) from Paramjit Singh and thereafter, Gurpreet Singh (her husband) fell on the ground. She further alleged that when the condition of her husband got deteriorated, both the aforesaid co-accused Paramjit Singh and Balraj Singh fled away from the spot and her husband died due to overdose of heroin and Balraj Singh and Paramjit Singh were responsible for the death of her husband Gurpreet Singh. The detailed facts mentioned by the complainant Arshdeep Kaur in her aforesaid statement have been reproduced in the true translation of the FIR No. 69 dated 02.09.2023 attached with the petition as Annexure P-1, which may be read as a part of present paragraph as same are not repeated here for the sake of brevity.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State’s counsel opposes bail and refers to the reply.

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

“Role of the petitioner

10. That the petitioner was nominated as co-accused in the present case vide G.D No. 32 dated 02.09.2023 on the basis of the supplementary statement dated 02.09.2023 of the complainant Arshdeep Kaur, who had alleged therein that the petitioner and co-accused Baljeet Kaur alias Babbu were also present at the time of the incident and the co- accused Balraj Singh took Rs. 1000/- from her husband Gurpreet Singh on their asking and thereafter, co-accused Paramjit Singh had handed over heroin injection to Balraj Singh and he (Balraj Singh) injected the same in the arm of her husband Gurpreet Singh, by sharing a common intention with the petitioner and co-accused Baljeet Kaur alias Babbu.

Evidence against the petitioner

11. That the prosecution evidence against the petitioner is primarily based on the oral statements of the complainant Arshdeep Kaur, her mother- in-law Sawinder Kaur under section 161 Cr.P.C and disclosure statement

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dated 02.09.2023 of the co-accused Baljeet Kaur alias Babbu. The post-mortem examination report of the deceased Gurpreet Singh also corroborates the version of the complainant.

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 7 of the reply, petitioner was arrested on 02.09.2023 and accordingly his total custody in this FIR is 01 year & 03 months approximately. 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 further pre-trial incarceration at this stage.

8. 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.

9. 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.

10. 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)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. 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.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any

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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.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.12.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.