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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.47226 of 2024
Date of Decision: 25.11.2024

Maninder Singh @ Shahzada ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Tarun Vir Singh Lehal Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
54	09.06.2024	Fatehgarh Churian, District Batala	304 of IPC

2. As per the allegations, the aforementioned FIR was registered on the basis of statement recorded by the complainant Amardeep Singh on 08.06.2024 alleging therein that his cousin brother Kwardeep Singh was addicted to drugs. On 06.06.2024, he had left his

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house for some work at about 2 PM and did not return home. They kept on searching for him till 08.06.2024 and then came to know about his dead body lying in some old constructed room existing on the back side of Power House. One syringe needle was found lying besides the dead body. Inquest proceedings and postmortem examination of the dead body were conducted. On 09.06.2024 a secret information was received that the intoxicating substance had been received by the victim Kwardeep Singh from the petitioner and he had died due to over consumption of the same. On the basis of the same, a case under Section 304 of IPC was registered. Investigation proceedings were initiated. It was revealed that last call was made from the cell phone of the present petitioner to the phone used by the victim. The petitioner was arrested on 09.06.2024. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he had not been named in the FIR. The case is based on circumstantial evidence. There is no direct evidence to show that the petitioner had supplied any narcotic substance to the victim. The call detail record collected during investigation, pertains to the phone of mother of the deceased and not of the deceased. The recovery of the mobile is shown to be effected on 08.06.2024 but as per the call detail record, an outgoing message was sent on 09.06.2024 showing that the phone was not taken into custody till 08.06.2024. The ingredients for commission of offence under Section 304 IPC are not attracted. The custodial interrogation of the petitioner is no more required. Trial is likely to

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take time. No useful purpose would be served by keeping him in custody any more. It is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. Learned Assistant Advocate General, Punjab has argued that the allegations against the petitioner are serious. The deceased was using the mobile phone issued in the name of his mother and as per the call detail record, the petitioner had lastly made call to the victim. The victim had died due to taking overdose of morphine. Evidence collected during the course of investigation shows that the supply of drug had been taken by him from the petitioner who was habitual of selling the intoxicants. The petitioner is a habitual offender as one case under the provisions of NDPS Act had been registered against him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner is alleged to have caused the death of the victim Kwardeep Singh by providing him contrabands and due to having overdose of such contraband i.e. morphine as alleged to be provided by the petitioner, the victim had died. The allegations against the petitioner are serious in nature. There is nothing on record to show that the trial will take undue time. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the

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attendant facts and circumstances but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner does not deserve to be released on bail at this stage. Hence, the petition is dismissed.

25.11.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No