

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52722-2024
Reserved on: 04.12.2024
Pronounced on: 17.12.2024

Gurjit Singh @ Geeta ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Pallavi Babbar, Legal Aid Counsel
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
137	11.05.2022	Cantonment, District Amritsar	304, 109 r/w 34 IPC and 29 of NDPS Act

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. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:-

“On 11.05.2022 at 9 AM, Shamsher Singh along with his cousin Bholu had come back from Bihar and had gone from the home after having tea, who came back home at about 01 to 02 PM and had again gone from home after having meals. Ravi had come to the house of the complainant at about 3 PM and told the complainant that her son Shera was at his home. He had served him lemon water but he was not getting up. They were at the home of Geeta and thereafter they came to his house, but Shera was not getting up. Thereupon, the complainant along with Preeti wife of Shera had gone to the home of Ravi and found that Geeta (present petitioner) and Ravi were sitting near her son Shamsher Singh, whose legs were hanging down from the bed and he seemed to be unconscious on the bed, but there was no movement in his body. The complainant shouted that her son has been killed while giving

him intoxication by them and she came in the street then Ravi and Geeta (present petitioner) started forcing the complainant to get her son to her house. Thereupon, the complainant had doubt that the above said persons have killed her son by giving him some intoxication or by causing him injury. The uncle-aunt and daughter-in-law Amrit Kaur W/o Amandeep Singh loaded dead body of Shamsher Singh in one three wheeler and threw at the house of the complainant. The complainant further alleged that she is confident that Ravi @ Rajbir Singh S/o Baldev Singh, Geeta (present petitioner) S/o Beer Singh and Amrit Kaur W/o Amandeep Singh in connivance with each other took her son to their house, killed him by giving him some intoxication and threw him at the house of the complainant. Therefore, the above said FIR No. 137, dated 11.05.2022, under Section 304, 34 IPC, Police Station Cantonment, Amritsar was registered.”

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

“ROLE OF PETITIONER

15. That it is submitted that the present petitioner Gurjit Singh @Geeta along with co-accused Ravinder Singh @ Ravi and Mukhtiar Singh @Manga and deceased Shamsher Singh had firstly consumed liquor and thereafter they all had consumed heroin at the house of the present petitioner Gurjit Singh @ Geeta and the deceased Shamsher Singh @ Shera was administrated injection of heroin by the co-accused Mukhtiar Singh @ Manga with common intention of all the accused persons, due to which he had died at the spot.

EVIDENCE AGAINST THE PETITIONER

16. That the prosecution evidence against the petitioner Gurjit Singh @ Geeta is primarily based on the oral statement of the Complainant Balwinder Kaur as well as oral statements under Section 161Cr.P.C. of the eye witnesses namely Bholu S/o Paramjit Singh and Nirvail Singh S/o Kulwant Singh. Besides, the present petitioner Gurjit Singh @ Geeta and co-accused Rajbir Singh @ Ravi, Gurdeep Singh @ Jeetu and Mukhtiar Singh @ Manga have also suffered disclosure statements with regard to involvement of the petitioner Gurjit Singh @ Geeta in commission of crime.”

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. Per paragraph 6 of the status report, the petitioner has been in custody since 11.05.2022. Per the custody certificate dated 03.12.2024, the petitioner's total custody in

this FIR is 02 years, 06 months and 20 days. 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.

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. This order shall come into force from the time it is uploaded on this Court's official webpage.

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. This order is subject to the petitioner's complying with the following terms.

12. 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.

13. 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.

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

15. 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

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download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

17.12.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.