



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

247

CRM-M-54670-2024

Date of decision: 11.11.2024

BIKKAR SINGH

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms.Gurpreet Kaur, Advocate for
Mr. Ranjodh Singh Sidhu, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.72 dated 17.07.2024 under Sections 105, 3(5) of the Bhartiya Nyaya Sanhita, 2023 (Section 21 (c) of the NDPS Act 1985 added later on) registered at Police Station Sadar Patti, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 17.07.2024. As per the allegations levelled, the petitioner along with co-accused forcibly administered intoxicant injection into the arms of the deceased as a result of which he collapsed and died at the spot. Learned counsel has contended that the petitioner has no previous criminal antecedents much less ever being involved in a case under the NDPS Act; it has been further submitted that after the petitioner was arrested on 17.07.2024, no recovery of any intoxicants much less vials



which were allegedly used to inject the deceased were recovered from him, which further point to the petitioner's false implication in the present case. It has been further argued by the learned counsel that after the petitioner was arrested, challan has already been presented on 28.10.2024; hence there is no possibility of the petitioner tampering with evidence. It has also been further argued by the learned counsel that as many as 24 witnesses have been cited by the prosecution and there is no likelihood of the trial concluding in the near future as only challan stands presented so far.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, on instructions from SI Gurbax Singh, has not disputed the custody period of the petitioner as well as the stage of the trial, however, learned counsel for the State has reiterated the allegations levelled in the FIR which has been annexed as Annexure P-1 and stands reproduced herein-under:-

*"Statement of Gurdev Singh, son of Lakhha Singh, resident of Jaur Singh Wala, aged about 40 years, mobile number 98149-15026. It is stated that I am resident of above-mentioned address and doing the agriculture work. I have two children, a son and a daughter. My cousin brother, Surjit Singh, son of Late Sardul Singh, resident of Jaur Singh Wala, aged about 25 years, was married and had a 7-year- old daughter. He was addicted to drugs. Today around 7:00 AM, I and my wife, Sarabjit Kaur, were going to Gurduwara Baba Raja Ram Ji to pay our respects. There are many trees near the Gurduwara of the Village. When we arrived there, I saw **Bikkar Singh**, son of Veer Singh, holding my cousin brother Surjit Singh by the wrist, and Mandeep Singh @ Mani, son of Tehal Singh, resident of Jaur Singh Wala, was injecting something into Surjit's right arm with a syringe. I stopped my motorcycle and asked them what they were doing.*

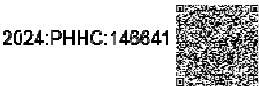


*Bikkar Singh and Mandeep Singh started arguing with me, using abusive language, and then fled the scene. My cousin brother Surjit Singh collapsed and became unconscious due to the injection and subsequently died at the spot. We started crying. On hearing our cries Gurtej Singh son of Lakhha Singh, and Nirvail Singh, son of Pargat Singh, residents of Jaur Singh Wala, also arrived at the spot. Surjit Singh died at the spot. scene. We took Surjit Singh's dead body to our home, where our family members were present. We took Surjit Singh's dead body to our home in haste, where I left my wife Sarabjit Kaur and other family members with the dead body, I, along with Nirvail Singh, was coming to inform you. You met. Strict legal action be taken against **Bikkar Singh** son of Veer Singh and Mandeep Singh.@ Mani son of Tehal Singh residents of Jaur Singh Wala. I complainant. Sd/- Gurdev Singh”*

On a pointed query put to the learned State counsel as to whether the petitioner has any previous criminal antecedents, he, on instructions, has replied in the negative. However, learned State counsel, on instructions, has submitted that although no recovery of any contraband/intoxicant was affected from the petitioner after he was arrested on 17.07.2024, recovery of 270 gms. of heroin was affected from the house of co-accused Mandeep Singh, who is still in custody.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. Admittedly, no recovery of any contraband was affected from the petitioner; investigation in the present case is complete as challan stands presented and trial would take considerable time to conclude as 24 prosecution witnesses have been cited.



6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.
7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.
8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

November 11, 2024
poonam

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