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

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CRM-M-489-2025 (O&M)
Date of decision: 17.01.2025

Mewa Singh @ Meva Singh @ Mewi Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kulwinder Singh, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 156 dated 19.12.2024, registered under Section 105 of Bharatiya Nyaya Sanhita, 2023 at Police Station City-1 Mansa, District Mansa.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on 19.12.2024 on the basis of the statement got recorded by complainant Gurnaib Singh @ Gheta alleging therein that on 18.12.2024, at about 10:30 AM, one Jaspreet Singh Jassi made a telephonic call to his son Gurjit Singh asking him to send his brother Gurmit Singh (another son of the complainant) to him as they had to go for some work. Thereafter, Gurmit Singh went with Jaspreet Singh but did

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not return home. The complainant made searches for him but could not trace him. On 19.12.2024, the complainant came to know that his son Gurmit Singh was lying unconscious near a tower. He was rushed to the hospital, whereby he was declared to be brought dead. While alleging that the death of his son had occurred due to giving *Chitta* (heroin) by Jaspreet Singh and there might be some more persons with him, the complainant prayed for taking legal action against him. Thereafter, on 23.12.2024, Gurpreet Singh, son of the complainant, made a supplementary statement to the police naming the petitioner, Gurpreet Singh @ Peeti, Mandeep Singh @ Deep Singh @ Deepu, Lakhwinder Singh @ Arshu, Jaspal Singh @ Gaggi, Kali, Gurpreet Singh @ Teeti, Gurbhej Singh @ Bheja and Satnam Singh @ Kaka Bhau as the persons who were involved in giving heroin to his deceased brother Gurmit Singh. On the basis of the same, the petitioner and other co-accused have been nominated in this case. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Sessions Judge, Mansa but the same had been dismissed, vide order dated 02.01.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Initially, the petitioner was not named in the FIR and it was only when the brother of the victim made a supplementary statement on 23.12.2024 that the petitioner has been nominated in this case along with other co-accused. The victim himself was a drug addict and he might have died due to overdose of the drugs. The petitioner is not involved in any other case under the NDPS Act, which strengthens the fact that he is not involved in selling/supplying any kind of contraband. There is nothing on record to connect the petitioner with the subject offence. He has

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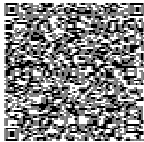
been involved in this case only on hearsay. He is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner. He along with other co-accused had supplied heroin to the victim, on consuming which, he had died. Custodial interrogation of the petitioner is required for proper investigation in the matter and to know the source of contraband. The criminal antecedents of the petitioner are also not clean. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, on 18.12.2024, the victim, who was son of the complainant, had gone out of his house with co-accused Jaspreet Singh Jassi but did not return home. On the next day, his dead body was found lying near a tower. Initially, the petitioner was not named in the FIR but after a gap of four days, supplementary statement of the son of the complainant was recorded, wherein the petitioner along with certain other persons were named as the persons, who used to supply heroin to the victim. Except the aforesaid supplementary statement, which was in fact made after the delay of four days from the incident, there is nothing on record to connect the petitioner with the subject crime, at this stage. Although, the petitioner is shown to be involved in

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two more cases under the provisions of IPC but admittedly, he is not involved in any other case under the NDPS Act, which otherwise could have formed basis to believe that the petitioner might have been supplying drugs to the victim. In view thereof, custodial interrogation of the petitioner is not required. Bail is rule and the jail is exception. Keeping in view the aforesaid facts and circumstances and also the nature of evidence coming forth against the petitioner, I am of the considered opinion that no useful purpose would be served by detaining him into custody. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail subject to the condition that he would surrender before the Investigating Officer within a period of ten days from today and in that eventuality, the Investigating Officer/Arresting Officer shall release him on bail. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of BNSS.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

17.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No