



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-1543-2025

Date of decision: May 6th, 2025

Lovepreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed by the petitioner seeking the concession of regular bail in FIR No.46 dated 24.05.2024 registered under Section 304 of the Indian Penal Code, 1860 at Police Station Ghagga, District Patiala.

2. On the last date of hearing, following submissions of learned counsel for the petitioner were recorded:

“Learned counsel for the petitioner submits that the petitioner has been in custody since 24.05.2024 for allegedly administering some drug to the deceased, who thereafter on account of the overdose died on 23.05.2024. Learned counsel submits that there was no witness to the alleged occurrence and instead father of the deceased had claimed that it was his son who himself had revealed to him that he had been administered intoxicants. Learned counsel has submitted that falsity of the allegations levelled against the petitioner is further evident from the fact that the petitioner has never ever been caught with drugs or booked under the NDPS Act. It has also been urged by the learned

counsel that since investigation in the present case is complete with challan having been presented and even charges framed, further incarceration of the petitioner would serve no useful purpose as none of the 13 of the witnesses cited by the prosecution having been examined so far.”

3. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that after the charges were framed on 19.03.2025, none of the 13 prosecution witnesses had been examined. However, learned State counsel has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder:

“At this time it is recorded that at this time a statement of Daljit Singh son of Prithi Singh resident of Ward No. 5 Ghagga, police station Ghagga, district Patiala written by ASI Hardeep Singh 2441/PTL. police station Ghagga for registration of case against Lovepreet Singh @ Labhu son of Gurwinder Singh @ Gora resident of Bras, Police Station Ghagga, Melo Kaur wife Mela Singh, resident of Dedhna, police station Ghagga district Patiala under offence punishable under Section 304 IPC, received by hand, through Lakhwinder Singh 3482 at police station, whose contents are as under, "Statemet of Daijeet Singh son of Prithi Singh, resident of Ward No. 05, Ghagga, police station Ghagga, district Patiala, age about 44 years, mobile number 86996-40010. Stated that I am a resident of the above said address and work as a tailor master. I have two children. The elder son Gurdas Singh is about 22 years old, younger to him daughter Harmandeep Kaur is about 19 years old. My son Gurdas Singh used to work as a cook after passing +2. My son Gurdas Singh was addicted to take heroin. After much inculcating, I left my son Gurdas Singh at Gurudwara Shri Nauvi Patsahi Damdami Taksal Badi Kannanwala District Sangrur in month January 2024 to save him from

bad company. My son Gurdas Singh had quit drug addiction and his health had improved a lot and he had kept his grown beard. I came home yesterday on 23.05.2024 at about 12:30 PM to meet my nephew who had to go abroad, then at about 07:30 PM. my son by taking the mobile with make a brand VIVO sim number 76259-75597 with brand JIO went away by saying this to me that I was going to pay obeisance at Gurudwara Ghagga, then at about 09:30 PM, since my son Gurdas Singh did not return home, I came towards Maur Ghagga for searching for him, the some people standing there told me that your son Gurdas Singh was lying near the tank of the grain market, Ghagga in a comatose state. Then I, by taking the son of my uncle, Harcharan Singh son of Bhim Chand, resident of Ward No. 03 Ghagga, along, reached near the tank of the Grain Market, Ghagga then my son Gurdas Singh was in a comatose state. Then on my asking, my son Gurdas Singh told me, "That today Luvpreet Singh alias Labhu son of Gurvinder Singh alias Gora resident of Bras, who met me at the bus-stand Ghagga at about 08:00 PM, who told me that I have to go for some urgent work. Come with me till village Dedhna, who got me seated on the back of his motorcycle, took me to village Dedhna Saisia Mohalla. Then Luvpreet Singh alias Labhu started me saying that I have no money for purchasing heroin, then Luvpreet Singh Labhu due to no money with him, by taking my Samrat watch, by hypothecating it with Melo Kaur wife of Mela Singh, resident of Dedhna, Lovepreet Singh had purchased heroin from Melo Kaur. Then Lovepreet Singh by taking me along came to Anaz Mandi Ghagga. Then Lovepreet by putting the heroin in syringe injected himself and said to me that you should also get vaccinated. On asking by him again and again I had also vaccinated. Due to which my health got worse in sometime. And Lovepreet Singh Labhu went on his motorcycle from the spot. After all this talk I by taking my son Gurdas Singh reached Rajindra Hospital Patiala for treatment. Then after medical examination the told

that he had died. Then the dead body of my son was kept in the mortuary of Rajindra Hospital Patiala. Till now were inquiring on our own level. Now we are definitely convinced that the death of son was taken place due the heavy dose of intoxicant/drug given to him by Lovepreet Singh Labhu and Melo Kaur abovesaid. Therefore, appropriate action should be taken against Lovepreet Singh Labhu, Melo Kaur abovesaid. Today I along with the son of my uncle Harcharan Singh was going to intimate to police Station Ghagga. you met along with the police party, where I recorded my statement you, statement read, heard, it correct.”

4. On a pointed query put to the learned counsel for the State as to whether the petitioner is involved in any case under the NDPS Act, he, on instructions, replied in the negative and has instead placed on record the custody certificate, which reveals that the petitioner, however, is booked in three cases under Sections 379/411 of the IPC.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner is in custody since 24.05.2024. The trial is unlikely to conclude in the near future as none of the 13 prosecution witnesses have been examined so far.

7. In the facts and circumstances and keeping in view the totality of circumstances, the instant petition is allowed and the petitioner be admitted to bail 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 say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

May 6th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No