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

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CRM-M-13017-2025 (O&M)
Date of decision: 19.05.2025

Mangal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Himani Arora, AAG, Punjab.

Mr. Rajesh Bhatheja, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 237 dated 25.11.2024, registered under Sections 105 and 3(5) of Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) at Police Station Dharamkot, District Moga.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the statement of the complainant Surjit Singh alleging therein that on 24.11.2024, he received an information from one Lalit Kumar that his nephew Manpreet Singh alias Geecha had consumed liquor in huge quantity and he had been dropped in his house. In the next morning, at about 7.30 AM, the complainant

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went to the house of his nephew Manpreet Singh, where he saw that he had died but even then he along with his family members and others took him to Civil Hospital, Moga, where he was declared brought dead. In the morning, above named Lalit Kumar disclosed to him that during the night of 24.11.2024, at about 11.30 PM, petitioner Mangal Singh, his son Gurmit Singh @ Geeta and his wife Shinder Kaur had told him that the victim had visited their house at about 10.00 PM and at that time, he had consumed liquor in excess and they immediately sent him from their house to his house. Lalit Kumar further told him that thereafter, he along with his son Karan Kumar, petitioner Mangal Singh and Gurmeet Singh tried to trace out Manpreet Singh and in that process, the petitioner and Gurmeet Singh took them towards the fields owned by the petitioner and expressed their intuition that Manpreet Singh might be there. When they reached near the motor of Manpreet Singh, then they found that Manpreet Singh was lying there. They tried to revive him but he did not speak anything due to unconsciousness. It is also alleged that the victim used to visit the house of the petitioner and Gurmeet Singh. A number of cases have been registered against Gurmeet Singh for selling the intoxicant. They were requested not to provide intoxicant substance to the victim but they did not stop to do so. The petitioner and Gurmit Singh had given some intoxicant substance to his nephew Manpreet Singh in their house and after taking overdose of intoxicant substances, they have thrown his nephew Manpreet Singh in the fields after dragging him and on account of taking overdose of intoxicant substance, his nephew Manpreet Singh had died. The complainant prayed for taking action against the culprits. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on

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26.11.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 11.02.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. A perusal of the contents of the FIR would show that no specific role has been attributed to him. There is nothing on record to connect the petitioner with the subject crime. As per the allegations levelled in the FIR, the victim himself was a drug addict. The ingredients for commission of offence under Section 105 of BNS have not been made out at all. The petitioner has clean antecedents and is not involved in any other case. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 26.11.2024. No useful purpose would be served by keeping him in custody anymore. Co-accused Shinder Kaur has been granted concession of anticipatory bail by this Court, vide order dated 07.02.2025 passed in **CRM-M-1645-2025**. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. On the other hand, learned Assistant Advocate General, Punjab, assisted by learned counsel for the complainant, has opposed the prayer of the petitioner on the grounds that during the course of investigation, it has been found that the victim was in visiting terms with the petitioner and he along with co-accused Gurmeet Singh had taken him towards his house at about 10:00 PM. Accused persons had provided him some intoxicant substance, on

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consuming which, the victim had become unconscious and thereafter, they pulled him towards the fields. There are serious allegations against the petitioner. Trial may be expedited. 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, the victim, who was a drug addict, used to visit the house of the petitioner for consuming intoxicant substances. On the fateful day i.e. 24.11.2024 at about 10:00 PM, he had reached at the house of the petitioner in inebriated condition, on which, the petitioner and his son had sent him back to his house. However, later on, at the instance of above named Lalit Kumar and others, a search for the victim was conducted and he was found in fields in an unconscious condition. He was taken to hospital but was declared dead. A perusal of the contents of the FIR reveals that there is no eye-witness to the occurrence. The allegations levelled against the petitioner are based on hearsay. It will be a question of debate as to whether any *prima facie* case for commission of offence under Section 105 of BNS has been made out against the petitioner or not? The petitioner is not shown to be involved in any other case so as to believe that he was indulged in supplying intoxicating substances. The postmortem examination of the dead body of the victim has been conducted but the cause of death could not be given for want of chemical examiner's report. Investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 26.11.2024. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be

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served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

19.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No