



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

285/2

**CRM-M No.17286 of 2025
Date of decision : 21.8.2025**

Harjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arshdeep Singh Viridi, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.113 dated 23.6.2024, under Sections 304 of the IPC, registered at Police Station City Rajpura, District Patiala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'At this time, one statement of Kiranjit Kaur wife of Lucky Singh resident of Street No.6, Focal Point Rajpura near Jyoti Sarup Gurudwara Sahib, P.S. City Rajpura, District Patiala aged about 23 years, Mobile No.79739-49093 is received at the police station for registration of FIR u/s 304 IPC against Harjit Singh son of Amarjit Singh, Yograj Singh son of Babu Singh residents of Dharampura Colony, Rajpura, recorded by ASI Darshan Lal 1201/ Patiala of Police Post Bus Stand, Rajpura by hand through PHG Surinder Singh 18780, the contents of which are as follows - "Statement of



Kiranjit Kaur wife of Lucky Singh resident of Street No.6, Focal Point, Rajpura, Near Jyoti Sarup Gurudwara Sahib, P.S. City Rajpura, District Patiala aged about 23 years, Mobile No.79739-49093. Stated that I am resident of aforementioned address and doing a private job. My marriage was solemnised in the year 2018 with Lucky Singh son of Mohinder Singh, resident of Ket Majri, Near Manji Sahib, Gurudwara, Ambala. I have a daughter Paramjit Kaur, who is studying in 2nd class in a government school in Village Samad. That my husband Lucky Singh was serving with Lucky Churan and used to come home regularly. That my husband used to go out for work at 9:00 am in the morning and return home at 7/8 pm. Yesterday on 22.06.2024, my husband Lucky Singh went out for work at around 8:00 am. He left alongwith his friends Harjit Singh son of Amarjit Singh, Yograj Singh son of Babu Singh residents of Dharampura Colony, Rajpura. When in the evening at around 8:00 pm, he came back home, my husband told me that today his friends Harjit Singh and Yograj Singh had given him drug over doze while themselves consumed in small quantity on account of which, he was not feeling well and therefore he requested me to get him admitted in the hospital at the earliest. At this, I immediately made a phone call to 108 Ambulance for the ambulance. Then with the help of my neighbours, I put my husband in the ambulance and shifted him to Government Hospital, Rajpura. Since condition of my husband was very critical, the doctor immediately checked him and then my husband Lucky Singh was declared dead. Dead body of my husband has been placed in mortuary of Government Hospital, Rajpura. Since it was late and my relatives had not come, we could not come to the police post to give information. Therefore, today, I alongwith my brother-in-law (Jeth) Vicky son of Mohinder Singh resident of H.No.1023, Ket Majri, Near Manji Sahib Gurudwara, Ambala was coming to the police post to give information, when you alongwith police party met us at Gagan Chowk, Rajpura. Statement has been got recorded to you, heard and it is correct. Death of my husband Lucky Singh has taken place when he was given drug over doze by his friends Harjit Singh son of Amarjit Singh and Yograj Singh son of Babu Singh resident of Dharampura Colony, Rajpura. As such, it is prayed that strict legal action may be taken against them. Sd/-I Kiranjit Kaur, sd/- Vicky (son of Mohinder Singh).'

3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 26.3.2024. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the offence under Section 304 of IPC is not made out against the petitioner as the petitioner was alongwith co-accused and the deceased who allegedly consumed intoxicant. Learned counsel has further argued that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 20.8.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 23.6.2024 wherein after investigation was carried out and challan stands presented on 22.8.2024. Total 14 prosecution witnesses have been cited but none has been examined till date. It is, thus, indubitable that conclusion of trial will take its own time. The rival contention of learned counsel for the parties, including the contention as to whether the offence under Section 304 of IPC is made out in the factual matrix of the case; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of



the petitioner absconding from the process of justice or interfering with the prosecution evidence. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

It would be apposite to note herein that the petitioner was extended the concession of interim regular bail on 18.3.2025 and nothing has been brought forth to indicate that the petitioner has misused the said concession.

As per custody certificate dated 20.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 9 months and 11 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.



7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

21.8.2025

Ashwanii

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No