

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

2025:PHHC:074971



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CRM-M-17355-2025

Date of decision:29.05.2025

Shubham

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Bhinder, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.69 dated 30.04.2023 registered under Sections 304, 34 IPC (offence under Sections 302, 449, 364, 506, 452 IPC were added lateron), at Police Station Shahkot, District Jalandhar.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant-Balwinder Singh alleging therein that on the evening of 29.04.2023, he had gone to the house of his in-laws family situated at village Mianwal Araiya. He was having tea there when the petitioner entered inside along with co-accused Boota Ram and Joga. All three of them opened an assault upon Gursharanpeet Singh, brother-in-law

of the complainant and forcibly took him to the house of Boota Ram, wherein, within the sight of the complainant, they administered some poisonous substance in the mouth of the victim. The complainant raised clamour on hearing which the assailants threw the victim out of the house of Boota Ram and then fled from the spot. The victim was immediately rushed to Civil Hospital, Jalandhar and was referred to some other hospital. He died during the course of treatment. Initially, a case under Section 304 IPC read with Section 34 IPC was registered. Offences under Sections 302, 364, 449 and 506 IPC were added later on.

3. As per the further allegations, the complainant got recorded his supplementary statement on 30.04.2023, alleging that the assailants had administered some poisonous substance in the mouth of Manpreet Kaur daughter of accused Boota Ram as well at the time of occurrence. The said Manpreet Kaur had also died. Post Mortem examination of the dead bodies of the victims were conducted. As per the chemical examiner report, the cause of death was due to organophosphorus poisoning in cases of both the victims. The accused Jograj Singh @ Joga was arrested on 05.05.2023. He suffered disclosure statement to the effect that the victim Gursharanpreet Singh used to meet Manpreet Kaur and on 29.04.2023 also, he had gone there. This fact had come to the knowledge of Boota Ram and he along with co-accused had extended beatings to both of them and had given sulfas to them. Subsequently, Balvir Kaur w/o Boota Ram was also nominated as an accused. Accused Boota Ram was arrested on 25.07.2023. The present petitioner was arrested on 31.08.2024. He too suffered a disclosure statement admitting his involvement in the crime. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact there was love affair between the victims and their relationship was not approved by their parents as well as the community. On 29.04.2023, the victim Gursharanpreet Singh had gone to the house of the Manpreet Kaur. Both of them had consumed poisonous substance in a suicide pact. Thereafter, he was fretted by family of Manpreet Kaur and was extended beatings. No poisonous substance was administered to either of the victims by the petitioner or the co-accused. Co-accused Balvir Kaur has been extended the benefit of anticipatory bail. The complainant and the eye witness have turned hostile. The petitioner is in custody since long. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petitioner deserves to be extended the benefit of bail.

5. Status report has been filed. Learned State counsel has argued that it is a case of double murder. There are specific and serious allegations against the petitioner. It is urged that keeping in view the gravity thereof, the petitioner does not deserve to be extended benefit of bail.

6. I have heard rival submissions made by learned counsel for the parties and have gone through the record carefully.

7. The petitioner along with co-accused is alleged to have administered a poisonous substance i.e. organophosphorus to the victims as on 29.04.2023. The cause of their death is opined to be administration/ ingestion of organophosphorus. The petitioner has placed on record copies of statements of PW1 Balwinder Singh, PW2 Dalvir Kaur eye witness and PW3 Gurmail Singh another eye witness. All of them have stated that the

victims had consumed some poisonous substance on 29.04.2023 and were taken to hospital where they had died. None of them stated that the poisonous substance had been administered to the victims by the petitioner or the co-accused. None of them implicated the petitioner in the commission of the subject offences. Given the nature of the evidence that has been produced on record, it is debatable as to whether it is a case of self consumption of poisonous substance by the victims or it was administered to them by the petitioner and the co-accused. Keeping in view the nature of evidence that has come on record in the form of sworn depositions of the material witnesses, the period of incarceration of the petitioner and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, lest the same prejudice the trial in any manner whatsoever, this Court is of the considered opinion that a case is made out in favour of the petitioner at this stage to extend benefit of bail to him. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

29.05.2025

harjeet

**(MANISHA BATRA)
JUDGE**

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