

2025:PHHC:053390



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.20380 of 2025
Date of Decision: 25.04.2025

Sumit Kumar alias Sumit alias Ghung ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Ms. Swati Batra, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
28	22.04.2024	Qadian, Batala, District Gurdaspur	302, 148 and 149 of IPC (201, 202 and 34 of IPC and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (For short “NDPS Act”) added later on) (148 and 149 of IPC were deleted)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Jeeta on 22.04.2024, alleging therein that on 21.04.2024, he was present in his house along with his

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wife Paramjeet Kaur when the accused Vishal @ Khuda, the present petitioner, Manjit Singh @ Jajji, Amritpal Singh @ Ammy and Pavitar came outside and called his son Sahil and took him along with them. His son did not return home. In the night, he had kept making search for his son and in the morning, he came to know about the dead body of some youth lying near Batala Road, Qadian. He rushed towards the spot and identified the dead body to be of his son. Blood was oozing out from the nose and there were injury marks on the dead body. He alleged that the petitioner along with the above named accused had administered some poisonous substance to his son and had caused injuries to him thereby killing him and thereafter had thrown his dead body. The cause of grudge as given by him was that there was some money dispute between the victim and the assailants. Investigation proceedings were initiated. Postmortem examination of the dead body was conducted. On 24.04.2024, the complainant recorded a supplementary statement that the co-accused Manjit Singh @ Jajji, Amritpal Singh @ Ammy and Pavitar had delivered contraband heroin to the co-accused Vishal and the petitioner and they had given the same to the victim for consumption. The petitioner and co-accused were arrested on 24.04.2024. Investigation stands concluded and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The only role attributed to the petitioner is that he along with co-accused Vishal gave heroin to the victim. The co-accused Rani has since been extended benefit of bail. The complainant Jeeta

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while appearing as PW-1 has not involved the petitioner in commission of the subject offences. He is in custody since long. He does not have any criminal antecedents. His further detention will not serve any useful purpose. There are no chances of his absconding. It, has been, therefore, urged that he deserves to be released on bail.

4. Notice of motion.

5. Ms. Swati Batra, DAG, Punjab has advance notice of the petition. She is ready to argue the matter and has submitted that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner along with co-accused Vishal is alleged to have injected an injection of heroin to the victim thereby causing his death. The complainant has appeared before the trial Court as PW-1. Copy of his testimony has been placed on record as Annexure P-6. A perusal of the same reveals that he did not implicate the petitioner in commission of the offence of murder of his son. Rather he is shown to have stated that he had not made any statement qua involvement of the petitioner to the police. The trial is likely to take time. In view of the nature of the evidence which has come on record in the form of testimony of the complainant and the facts as enumerated above but without meaning to make any comment on the merits of the case lest the same prejudices the trial, I am of the considered opinion that the petition deserves to be allowed. The same is accordingly allowed

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and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

25.04.2025
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(MANISHA BATRA)
JUDGE

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