



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

204

CRM-M-20506-2025  
Date of Decision: 22.05.2025

Satnam Singh @ Satnam Baniya and another ...Petitioners

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. P.K.S. Phoolka, Advocate for the petitioners.

Ms. Navreet Kaur Barnala, AAG, Punjab.

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**ANOOP CHITKARA, J.**

| FIR No. | Dated      | Police Station                    | Sections      |
|---------|------------|-----------------------------------|---------------|
| 48      | 18.03.2025 | Sadar Bathinda, District Bathinda | 105 BNS, 2023 |

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 7 of the bail petition, the petitioners declare that they have no criminal antecedents.

3. The facts and allegations are being taken from the short reply filed by the State, which reads as follows:

*4. That on 18.03.2025, the complainant suffered his statement before the police to the effect that his nephew Gagandeep Singh @ Gaggu (victim) had started consuming drugs and the complainant and his other family members would ask him to stop consuming drugs. The victim Gagandeep Singh @ Gaggu told the complainant and his family that he used to buy heroine (chitta) from the accused-petitioners, co-accused Vidya Kaur, Parveen Kaur, Sukhraj Singh @Raja and Sanjiv Singh @ Peetu Singh @ Binni. The complainant along with Jaswant Singh and Vijay Singh used go the house of the accused-petitioner and the co-accused several times and request them to stop spoiling the life of their son by supplying him heroine (chitta). Upon which, the accused-petitioner and the co-accused would refuse the request of the complainant and tell the complainant that they would definitely give heroin (chitta) to the victim in case the victim*



*comes to them. On 17.03.2025, at about 8:30 PM, the complainant and his entire family was present at house. The victim Gagandeep Singh @ Gaggu came to the house and entered into his room, where he injected a syringe in his arm. The complainant and his family went to stop the victim but the victim had died due injection. The victim was admitted to the Civil Hospital Bathinda, where the doctor declared him dead. The victim Gagandeep Singh @ Gaggu had died due to injecting the syringe containing heroine (chitta), which was supplied by the accused-petitioners and the co-accused Vidya Kaur, Parveen Kaur, Sukhraj Singh @ Raju and Sanjiv Singh @ Preetu Singh @ Binny. 5. That after registration of the FIR in question, the investigation was carried out. On 18.03.2025, the accused Sukhraj Singh @ Raja and Vidya Kaur were arrested by the police. The post mortem examination of the victim Gagandeep Singh was conducted by the board of doctors. The board of doctors kept the opinion as to cause of death pending till the receipt of chemical examination report from the chemical examiner, Kharar and the histopathology report from the GGS Medial College Faridkot. On 17.04.2025, the accused Sanjiv Singh @ Peetu Singh @ Binny was arrested by the police.”*

4. Counsel for the petitioners on instructions submits that there is no case against them of NDPS Act and without conceding and admitting, they will not deal in drugs and shall not sell drug to anyone and in case, they do so, then they would have no objection if State shall file an application for cancellation of their bail. The petitioners’ counsel prays for bail by imposing any stringent conditions including surrender of fire arms, if any and contends that pre-trial incarceration or custodial interrogation would cause an irreversible injustice to the petitioners and their family.

5. Short reply dated 21.05.2025 filed by State counsel today in the Court is taken on record. The State’s counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*“7. That the accused-petitioners committed serious offence in connivance with their accomplices, by supplying intoxicating substances to the victim and the overdose of the said intoxicating substances led to the death of the victim. The complainant levelled specific as well as serious allegations that the accused-petitioners did not stop supplying intoxicating substances to the victim despite of their repeated requests. The custodial interrogation of the accused-petitioners is requisite to unearth the chain of supply of intoxicating substances, to know whereabouts of the co-accused, and to*



*ascertain whether any other accomplices were involved in the process of supply of intoxicating substances. Therefore, the present bail petition is liable to be dismissed.”*

REASONING:

7. Allegations against the petitioners are that they in connivance with co-accused had supplied the intoxicant substances to the victim, who ultimately died because of the overdose of intoxicant substance. No specific role is mentioned in the short reply. However, petitioners are first offenders, this court is of the opinion that petitioners should be given one chance to reform their lives, as such, they are entitled to bail.
8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail.
10. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
11. While furnishing a personal bond, the petitioners shall mention the following personal identification details:
- |    |                                                                                                                                      |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                        |  |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                         |  |
| 4. | E-Mail id (If available)                                                                                                             |  |
12. This order is subject to the petitioners' complying with the following terms.
13. The petitioners are directed to join the investigation within seven days of



uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. Given the background of allegations against the petitioners, it becomes paramount to protect the victim, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioners shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

16. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."



17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. **This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

21. **Petition allowed in terms mentioned above.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

22.05.2025  
*Jyoti-II*

Whether speaking/reasoned: Yes  
Whether reportable: No.