

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

CRM-M-21184-2025
Reserved on: 08.09.2025
Pronounced on: 29.09.2025

Rajbir Singh @ Ravi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S.Randhawa, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
137	11.05.2022	Cantonment, District Amritsar	304, 109, 34 IPC and 29 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 9 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:-

“3. That the deponent humbly submits that as per perusal of the official record available at the police station, the facts of the case FIR No. 137, dated 11.05.2022 are that, on 11.05.2022, statement of the complainant Balwinder Kaur was recorded by ASI Satnam Singh Police Post Gumtala, Police Station Cantonment, Amritsar, wherein the complainant alleged that her both the sons Shamsher Singh and Daler Singh had gone to Patna, Bihar for building construction work for about last 03 to 04 months. On 11.05.2022 at 9 AM, Shamsher Singh along with his cousin Bholu had come back from Bihar and had gone from the home after having tea, who came back home at about 01 to 02 PM and had again gone from home after having meals. Ravi (present petitioner Rajbir Singh @ Ravi) had come to the house of the complainant at about 3 PM and told the complainant that her son Shera was at his (present petitioner Rajbir Singh @ Ravi) home. He (present petitioner Rajbir Singh @ Ravi) had served him lemon water but he was not getting up. They were at the home of Geeta and

thereafter they came to his (present petitioner Rajbir Singh @ Ravi) house, but Shera was not getting up. Thereupon, the complainant along with Preeti wife of Shera had gone to the house of Ravi (present petitioner Rajbir Singh @ Ravi) and found that Geeta and Ravi (present petitioner Rajbir Singh @ Ravi) were sitting near her (the complainant) son Shamsher Singh, whose legs were hanging down from the bed and he (Shamsher Singh) seemed to be unconscious on the bed, but there was no movement in his body. The complainant shouted that her (the complainant) son (Shamsher Singh) has been killed while giving him intoxication by them (present petitioner Rajbir Singh @ Ravi, Geeta and Amrit Kaur) and she (the complainant) came in the street then Ravi (present petitioner Rajbir Singh @ Ravi) and Geeta started forcing the complainant to get her son to her house. Thereupon, the complainant had doubt that the above said persons have killed her son by giving him some intoxication or by causing him injury. The uncle-aunt and daughter-in-law Amrit Kaur W/o Amandeep Singh loaded dead body of Shamsher Singh in one three wheeler and threw at the house of the complainant. The complainant further alleged that she is confident that Ravi @ Rajbir Singh (present petitioner), Geeta S/o Beer Singh and Amrit Kaur W/o Amandeep Singh in connivance with each other took her son to their house, killed him by giving him some intoxication and threw him at the house of the complainant. Therefore, the above said FIR No. 137, dated 11.05.2022, under Section 304, 34 IPC, Police Station Cantonment, Amritsar was registered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

“ROLE OF PETITIONER

15. That the deponent humbly submits that on 10.05.2022 the deceased Shamsher Singh @ Shera along with the present petitioner-accused Rajbir Singh @ Ravi and Manga R/o Khairabad had gone to the house of the co-accused Gurjit Singh @ Geeta. There, they all firstly consumed liquor. Thereafter, they all consumed heroin which the above said Manga was already having. Thereafter, Manga told that it does not give much pleasure and Manga filled remaining heroin in one injection and administered the same to the deceased Shamsher Singh @ Shera, who fell unconscious and died at the spot.”

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per the custody certificate dated 06.09.2025, the petitioner's total custody in this FIR is 03 years, 03 months and 24 days. Moreover, there is nothing mentioned about the motive of petitioner in the reply. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner 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 petitioner's complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner 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.

14. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

15. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

17. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

18. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)
JUDGE

29.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.