



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

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CRM-M-23634-2025

Date of decision: 14th May, 2025

Maninder Singh @ Shahzada

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition 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. 54 dated 09.06.2024 registered under Section 304 of IPC at Police Station Fatehgarh Churian, District Gurdaspur, Punjab. His previous petition bearing CRM-M-No. 47226-2024 had been dismissed by this Court vide order dated 25.11.2024.

2. The aforementioned FIR was registered on the complaint lodged by the complainant Amardeep Singh that the victim-Kawardeep Singh, who was his cousin brother and was a drug addict, had left home for some work on 06.06.2024 and did not return home. His dead body was found lying on the back side of power house on 08.06.2024. A secret information had been received that it was the petitioner, who had supplied intoxicating substance to the victim. As per the post-mortem report, the



victim had died due to over consumption of some intoxicating substance. It was also revealed that last call had been made on the phone of the victim by the petitioner. He was arrested on 09.06.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. The complainant and real brother of the deceased have been examined and they have not been implicated the petitioner in the subject crime. He is in custody since long. His further incarceration would not serve any useful purpose. The extended period of incarceration has entitled him to seek concession of bail. Accordingly, it is urged that he deserves to be released on bail.

4. *Per contra*, learned State counsel has argued that no fresh ground for grant of bail to the petitioner has been made out. His previous petition had been dismissed by making detailed discussion and taking all the contentions as raised by the petitioner. Accordingly, it is urged that the petition does not deserve to be allowed.

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

6. The petitioner is alleged to have caused the death of the victim Kwardeep Singh by providing him contrabands, due to overdose of which the victim had died. The complainant has been examined before the learned trial Court as PW-2 and a perusal of his sworn deposition reveals that he did not implicate the petitioner in the death of the victim and deposed that the victim was indulged in bad company and used to take drugs. PW-1 Kanwarman Singh, real brother of the victim is shown to have stated that the mobile phone bearing No. 7508355150 was registered in the name of his



mother and it was in his custody w.e.f. 01.06.2024 till 10.06.2024. He further stated that the petitioner was his friend and he had made call to him on 06.6.2024 and that the aforementioned cellphone number was not in possession of the victim on 06.06.2024. It is relevant to mention here that while passing the previous order dated 25.11.2024, the allegations as levelled by the respondent-State that the victim had made last call to the petitioner, had been taken into consideration, whereas, from the sworn deposition of PW-1 Kanwarman Singh, it is apparent that the concerned phone number was not with the deceased as on the relevant date. The petitioner is in custody since 11.06.2024. The material witnesses have been examined. Keeping in view the nature of evidence which has come on record in the form of their testimonies, the period of incarceration of the petitioner and the above discussed facts, I am of the considered opinion that there is a substantive change in the circumstances which entitles the petitioner to seek concession of bail. 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 Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

14th May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*