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CRM-M-33468-2022
Date of decision: 30.07.2025

...PETITIONER

VERSUS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Mr. Jasdev Singh Thind, DAG, Punjab.

* * * *

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
181	14.11.2021	Amargarh, District Malerkotla	302 IPC and Sections 21/27/29/61/85 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 of Code of Criminal Procedure (Cr.P.C), seeking regular bail.
2. Vide order dated 23.11.2023, the petitioner was granted interim bail by a Co-ordinate Bench of this Court, the order is continued till date and in the pendency.
3. Per paragraph 10 of the bail petition and per para 5 of the status report dated 28.10.2022, the petitioner has no criminal antecedents.
4. The facts and allegations are being taken from the status report dated 28.10.2022 filed by the State, which reads as follows:

“That pursuant to the said order, it is submitted that FIR No. 181 dated 14.11.2021 u/s 302 I.P.C., P.S, Amargarh was registered against Tejinder Singh s/o Mukand Singh r/o Tanda-Bandha Kalan, Amloh, District Fatehgarh Sahib on the basis of statement of Karamjit Singh s/o Late Nasib Chand r/o Village Paheri, P.S. Amloh District Fatehgarh Sahib to the effect that, "I am farmer. I have three children. Out of them one is daughter and one son is married and my one son Pardeep Kumar aged about 27 years is unmarried yet. He is doing labour work. My son Pardeep Kumar was having friendship with Tejinder Singh s/o Mukand Singh r/o Tandabadha Kalan P.S., Amloh District Fatehgarh Sahib. Yesterday on 13.11.2021 at around 08.00AM, my son Pardeep Kumar had brought Platina motorcycle of our co-villager Kuldeep Singh s/o Amarnath. My son Pardeep Kumar had some dispute with Tejinder Singh regarding some money transaction.



Tejinder Singh asked money from my son Pardeep Kumar, but he used to say that I will not return your money. After that Tejinder Singh enticed my son Pardeep Kumar and took him from our home on motorcycle of Kuldeep Singh and told that we are going somewhere outside. My son Pardeep Kumar did not come back till evening. At around 07.45 PM a phone call was received from Pardeep Kumar's phone No. XXX49 95921 to phone No. XXX76 61801 of my daughter-in-law Raj Kumari w/o Yugveer Singh, from someone and he said that your son Pardeep Kumar had met with an accident near Alipur village. Come and take him and we are taking him to Hospital. Thereafter phone of my son was switched off. We searched for my son Pardeep Kumar but no clue was found. Today in the morning my son Yugveer Singh, Harpreet Singh Sarpanch of our village and other persons, reached at village Tandabadha village of Tejinder Singh and Tejinder Singh did not give any satisfactory answer regarding my son Pardeep Kumar. Then Tejinder Singh took us to a minor canal in the revenue limits of village Alipur near the land of Darshan Singh s/o Pritam Singh r/o village Alipur and there in the dried minor canal dead body of my son Pardeep Kumar was lying. His motorcycle was not there and his mobile phone was also missing. After that we started watching dead body of my son Pardeep Kumar and number of people gathered on the spot and Tejinder Singh escaped from the spot. My brother Rakesh Kumar Nauhara took dead body of my son Pardeep Kumar to Civil Hospital Malerkotla. His dead body is lying in the mortuary of CH Malerkotla. We are sure that Tejinder Singh had killed my son Pardeep Kumar by giving him some poisonous substance and then threw his dead body in minor canal. Because Tejinder Singh had a dispute with my son Pardeep Kumar regarding money. I have recorded my statement in the presence of Harpreet Singh, read and heard it, where is correct. On the basis of statement of Karmajit Singh present FIR was registered against Tejinder Singh and investigation commenced."

5. Counsel for the petitioner submits that the petitioner is only bread winner in the family. 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.
6. Petitioner's counsel submits that he has no objection if while granting bail, this Court imposes any stringent conditions and undertakes that petitioner shall not indulge himself in the offence involving the commercial or intermediate quantity or the offence which falls under Section 19/24/27A of NDPS Act. He further submits that if the petitioner involves himself in the said offence, where the sentence imposed is more than 07 years, he has no objection if the State files application for cancellation of his bail. He further submits that death was due to overdose of Morphine and petitioner has already undergone custody of more than two years.
7. The State's counsel opposes bail and refers reply.



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8. It would be appropriate to refer to the following portions of the status report dated 28.10.2022, which read as follows:

"The present FIR was registered against Tejinder Singh (petitioner) on the basis of statement of Karamjit Singh s/o Late Nasib Chand r/o Village Paheri, P.S. Amloh, District Fatehgarh Sahib. During interrogation, accused Tejinder Singh disclosed that, he is a drug addict and he used to bring the Heroin/Chitta from Karmajit @ Karmo W/o Laskar @ Kali, Kali s/o Ratha, Pinki @ Moto w/o Late Kala Singh, Rajwant Singh @ Rinku, Jaswinder Kaur @ Rodi w/o Rajwant Singh @ Rinku, Sheela Rani @ Sheelo w/o Darshan Singh, Bhajno w/o Jass, Soni s/o un-known, Maya w/o Piara Singh, Darshan Singh @ Billa, Jaswinder Kaur w/o Buta Singh sons of Piara Singh, Gagandeep Singh @ Gagna s/o Tarsem Singh residents of Bagrian. On the basis of disclosure made by Tejinder Singh, above said persons were nominated as accused in this case on 16.11.2021. Tejinder Singh further disclosed that, Accused Sheela Rani @ Sheela was arrested on 16.11.2021 and pursuant to her disclosure statement, 4 gram of N Heroin/Chitta was recovered from her possession. She had supplied the Heroin to Pardeep Kumar (since deceased) and Tejinder Singh. Due to which Pardeep Kumar had died of drug overdose. During investigation it was duly substantiated that Pardeep Kumar was murdered by giving him overdose of intoxicant material through injection by Tejinder Singh and Tejinder Singh was getting such intoxicant material from accused Kali, Karamjit @ Karmo, Pinky @ Motto, Rajwant @ Rinku, Jaswinder Kaur @ Roddi, Sheela Rani @ Seelo, Bhajno, Sony, Maya. So, a specific role is attributed to the petitioner in committing the present offence."

9. Report of viscera sent to FSL received and relevant part of the same is extracted below:-

"Viscera of deceased was sent for analysis. As per report No. 1866 dated 28.03.2022 of Chemical Examiner, Kharar, result was reported as under:

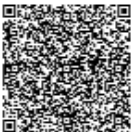
"Morphine positive in exhibit III, IV & V.

No Poison detected in the contents of exhibit I & II."

Parcel containing one syringe, one lighter and lid of bottle was sent for analysis. As per report No. 1169 dated 08.03.2022 of Chemical Examiner, Kharar, result was reported as under:

"Diacetylmorphine positive in contents of exhibits 1(a) & 1 (c). No poison detected in the contents of exhibits I (b) was reported." Opinion regarding cause of death was obtained and the cause of death was reported by the Doctor as, "Due to morphine overdose."

10. Death of victim was due to overdose of drug and petitioner was granted bail after



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enough custody and in the interregnum, petitioner never threatened witness or hampered with the trial. Thus, there is no justification to deny bail. As such, no ground is made out to discontinue the interim bail. However, this order shall not be cited and treated like a precedent.

11. Given above, petition allowed. Interim order dated 23.11.2023 is made absolute. All pending applications, if any, stand disposed of.

30.07.2025
renubala

(ANOOP CHITKARA)
JUDGE

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