



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-33873-2024
Date of decision: 23.07.2025

Shubham Babbar @ Lefty

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jupinder Pal Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No.55 dated 07.04.2024 registered under Sections 304, 201 IPC at Police Station Canal Colony, District Bathinda.

2. The FIR (supra) has been registered on the statement of Baljit Kaur with the allegations that she has three children i.e. elder daughter Vandana, younger to her is Bhupinder Singh and youngest to all is Amritpal Singh. Three years ago, Bhupinder Singh was drug addict and he was got admitted at drug de-addiction centre, Patiala. He left the habit of consuming drugs and started job in the same centre. On 31.3.2024 in the evening time, he came to home. On 4.4.2024 at about 11.00 O'clock, she alongwith her sister Rajni Bala were at home. In the



meantime, two persons namely Lefty and Chandan came to their home and took her son with them. She stopped the said boys to take her son with them but they did not pay heed to her request. After some time, Rajni Bala called Bhupinder Singh to come back and he stated that he will come after some time. At about 11.30 a.m., phone of her son went switched off. At about 3- 4 p.m., her son made a phone call to Lefty and he stated that they had left Bhupinder Singh near Guru Ghar of Phase-1, Model Town, Bathinda. They kept on searching for her son but in vain. Complainant further stated that on the next day, they came to know from the newspaper that dead body of her son is lying near the railway line at Bangi Nagar. The dead body was recovered and it was got admitted in the Civil Hospital. She identified the dead body. She came to know that her son died due to overdose of intoxicating injection given to her son by the accused persons forcibly.

3. Learned counsel for the petitioner *inter alia* contends that the deceased son of the complainant went missing on 04.04.2024 and his dead body was recovered on the next day i.e. 05.04.2024, however, the FIR (supra) was registered after an inordinate delay of 03 days. The petitioner has been falsely implicated in the FIR (supra) with the allegation that he along with co-accused has forcibly administered narcotic substance by injecting it and due to overdose the deceased had died. Learned counsel for the petitioner further submits that the case of the prosecution is not corroborated by any other evidence either forensic or otherwise. Further, the post-mortem report does not indicate any



resistant mark or any injury by a needle, which suggest injecting the narcotic substance into the body of deceased. Further the opinion regarding the death of deceased does not indicate that the deceased had died due to the reason as alleged in the FIR (supra) rather the cause of death is Septicemia and the material witnesses i.e. the complainant and eye-witness, have already been examined. Further, it would be a moot point to be decided during the course of trial, whether the offence under Section 304 IPC, is made out or not.

4. Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and he has suffered the incarceration of more than 01 year. There are total 11 prosecution witnesses cited in the list of witnesses, out of which, 02 PWs have been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that there are serious and specific allegations that the petitioner along with co-accused injected some narcotic substance in the body of deceased and due to overdose, he had died and as such, the complicity of the petitioner is duly established, however, he could not controvert the fact that the petitioner is not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 01 year and 27 days. Investigation is complete.



The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 11 prosecution witnesses, 02 PWs have been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near



future, would be violative of his rights under Article 21 of the Constitution of India.

9. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Shubham Babbar @ Lefty is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

23.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No