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

1)

CRM-M-34564-2025

Date of decision: 28.07.2025

Harmail Singh @ Harmel Singh @ Happy Doctor

....Petitioner

Versus

State of Punjab

...Respondent

2)

CRM-M-16813-2025

Chanchal Singh

....Petitioner

Versus

State of Punjab

...Respondent

3)

CRM-M-28423-2025

Simranjeet Singh @ Guri

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manu Loona, Advocate
for the petitioner (in CRM-M-34564-2025 and
CRM-M-16813-2025).

Mr. Shivoy Dhir, Advocate
for the petitioner (in CRM-M-28423-2025).

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This common order shall dispose of the aforementioned petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-34564-2025.



The present petition(s) has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.207 dated 27.09.2024 under Sections 103/103(1)/61(2)/238 of BNS and offence under Section 27 of the NDPS Act added later on vide G.D. No.41 dated 19.12.2024 registered at Police Station City-1, Abohar, District Fazilka (Annexure P-1).

Summarily, the facts of the case are that on 26.09.2024 at around 02:00 P.M., Maninder Singh who is son of the complainant, along with his mobile phone having SIM No.78886-12084 went to market on his motorcycle make Splendor Plus of black colour bearing registration No.PB22-M-8911 but did not return home. It is further alleged that the number of the son of the complainant also got switched off and the complainant tried to search his son everywhere but in vain and ultimately, he informed the police and made allegations that he came to know that his son was accompanied by Amandeep Singh @ Suraj who is residing in his street and accordingly, the complainant telephonically inquired about his son from Amandeep Singh but he could not give any satisfactory reply. It is further alleged that he found the dead body of his son lying in the bushes on the backside of his house and stale smell was coming from there and the said body was brought there from some other place. Further the complainant alleged that he is convinced that Amandeep Singh @ Suraj, Harmail Singh @ Happy Doctor (the petitioner herein), Chanchal Singh (the petitioner herein) and Simranjeet Singh @ Guri (the petitioner herein) in connivance with each other killed his son and hence, the present case.

Learned counsel for the petitioner(s) *inter alia* contends that the petitioner(s) has been falsely implicated in the present case on the basis of



suspicion. Further, the dead body of the deceased was found on the back side of the house of the complainant. During investigation, the prosecution has not been able to gather any evidence to remotely suggest that the deceased has died a homicidal death. Further, in the postmortem report, no injury or anything unnatural has been detected. The cause of death has not been declared by the doctors till date. The opinion with regard to cause of death is to given only after the receipt of the chemical examiner's report. Further, there is no direct or indirect evidence, either forensic or otherwise, to connect the petitioner(s) with the death of the deceased. As per the case set up by the complainant, the deceased was a drug addict and petitioner, namely, Harmail Singh @ Harmel Singh @ Happy Doctor is behind the bars since 19.10.2024 and petitioners, namely, Chanchal Singh and Simranjeet Singh @ Guri, are behind the bars since 02.10.2024.

The learned State counsel has filed custody certificates in the Court today which are taken on record and per contra, opposes the grant of regular bail to the petitioner(s) on the ground that the petitioners used to take drugs along with the son of complainant and on their medical examination, all the petitioners were found to have morphine in their blood and they are involved in a heinous crime, thus, the petitioners are not entitled to any relief.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. 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.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that petitioner, namely, Harmail Singh @ Harmel Singh @ Happy Doctor is behind the bars since 19.10.2024 and petitioners, namely, Chanchal Singh and Simranjeet Singh @ Guri, are behind the bars since 02.10.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 22 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

In view the above, the present petitions are allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, petitioners, namely, Harmail Singh @ Harmel Singh @ Happy Doctor, Chanchal Singh and Simranjeet Singh @ Guri, are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of



opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

A photo copy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)
JUDGE

28.07.2025

Neha

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