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

CRM-M-39397-2024**Date of Decision: 21.02.2025**

Jagjit Singh @ Jagga

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Lakshay Bector, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.124 dated 09.07.2023 registered under Sections 304, 34 of IPC, at Police Station Sidhwan Bet, Ludhiana.

2. The FIR in the present case was registered on the basis of the statement made by Manjit Singh son of Sadhu Singh and the same has been reproduced below:-

“Statement of Manjit Singh son of Sadhu Singh age about 60 years, r/o village Bhumal P.S. Sidhwan Bet Distt. Ludhiana M.No. 9914696737. It is stated that I am resident of above said address and do a labour job. Name of My wife is Amarjit Kaur. I have got three children eldest one is Jagdev Singh @ jaggu who is working with excise contractor. Yesterday on 8.7.2023, he was coming to home to give his pay and on the way Jagjit Singh @Jagga r/o Abupura took him to his home and at about 4.00 PM we got a message that your son is not well. We went



to the house of Jaggu at Abupura where my son was lying unconscious. We arrange the vehicle and took him to Dr. Kulwant Singh at Sidhwan Bet who declared my son Jagdev Singh @ Jaggu death. Proceedings U/s 174 Cr.P.C. were initiated on my statement because was quite disturb at that time and did not have the knowledge that how my son had died. But after the cremation I came to know that Jagjit Singh @Jagga son of Gurdeep Singh r/o Abupura and Jasvir Singh @ Rolly son of Makhan Singh had administered some intoxicants to my son near Malsian Bajan and because of that my son had died. I alongwith my relative Jaswinder Singh son of Pritam Singh r/o Ghumal was coming to give you the information when you met us on the way near Salempura Chowk Sidhwan Bet. Statement given which is correct.”

3. Learned counsel for the petitioner contends that the petitioner was falsely implicated in the present case. In fact, the deceased and the petitioner were friends and were drug addicts. On the date of occurrence, the deceased alongwith the co-accused had come to the house of the petitioner to consume heroin and had administered some narcotic substance on his own and had died. By referring to the post-mortem report (Annexure P-2), learned counsel submits that there was no injury marked on the person of the deceased and there was no evidence to suggest that any accused had forcefully administered anything to him. The petitioner was arrested in the present case on 10.07.2023 and is in custody for the last more than 01 year and 07 months. Learned counsel further contends that it is a case of consumption of overdose of drugs by the deceased and the petitioner has been wrongly prosecuted in the present case.

4. On the other hand, reply by way of an affidavit of Deputy Superintendent of Police, Jagroan, District Ludhiana has been filed on behalf of

the respondent-State in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioner is stated to be in custody for the last more than 01 year and 07 months. Whether it was a case of drug overdose or culpable homicide, is a moot point for consideration before the trial Court and the prosecution is yet to lead evidence to prove its case.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

21.02.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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