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

CRM-M-40214-2024

Date of Decision: 21.02.2025

Jasvir Singh alias Roli

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. S.S.Rana, Advocate and
Mr. Arvind Kumar Sharma, 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, District 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 from the allegations levelled by the complainant in the FIR, it is apparent that the deceased had died only due to overdose of drugs. In fact, the petitioner as well as the deceased were drug addicts and had gone to the house of co-accused in village Abupura and after consuming some intoxicating material in excess, he had expired. Learned counsel further contends that even similarly placed co-accused, namely, Jagjit Singh @ Jagga has also been granted the concession of bail by this Court, vide order of the even date. 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, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that three more cases have been ordered to be registered 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, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.



- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

21.02.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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