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(291)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42951-2024

Date of Decision: 27.02.2025

ARVINDER SINGH ALIAS SONY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Sidhu, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS is for the grant of regular bail in case bearing FIR No.25 dated 23.04.2024 registered under Section 304 IPC at Police Station Cheema, District Sangrur.

2. The present FIR came to be registered at the instance of Malkit Kaur W/o Gurmail Singh and the same reads as under:-

“Statement of Malkit Kaur w/o Late Gurmail Singh s/o Bhagwan Singh Resident of Ward No. 08 Mann Patti Cheema Police Station Cheema District Sangrur aged about 49 years. Mo: No: 87288-05066 stated that I am a resident of the said address and does household work. About 32 years ago I was married to Gurmail Singh son of Bhagwan Singh resident of Ward No.08 Cheema. I have two children out of this wedlock, the elder girl Gurpreet Kaur who lives abroad in Australia. The younger son Jarnail Singh who works in the army. My husband Gurmail Singh died about 24 years ago. After that I was married to my brother-in-law Paramjit Singh.



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Then one of our son Kulveer Singh was born. Whose age was about 21 years. This son of mine started taking drugs etc. Whom we had admitted at the De-addiction Center Pehwa Haryana. After which my son Kulveer Singh was fine for some time. Then he became addictive again. On date 15-04-2024 at around 11 o'clock, my son Kulveer Singh left the house. Who didn't come back till evening. Which we searched a lot but could not find anywhere. Then on dated 16-04-2024 in the afternoon, it came to know that my son Kulveer Singh had fallen into the river at Indian Oil Petrol Pump Cheema during the night. Who has died in the toilet. However, since I have no information regarding the death of my son Kulvir Singh, I wrote on dated 17-04-2024 that the death of my son Kulvir Singh was natural and accidental due to drug abuse, as there was no suspicion. The body of his son Kulveer Singh was later recovered. But now I have thoroughly investigated the death of my son Kulveer Singh, my investigation has revealed that my son Kulveer Singh used to bring drugs from Arvinder Singh alias Soni son of Jagtar Singh, Kulveer Singh alias Kala, Raghveer Singh alias Nika s/o Bahaal Singh residents of village Shahpur Kalan Police Station Cheema. Because one day I came to know that my son Kulveer Singh had brought the chitta from Arvinder Singh alias Soni, but I complained in the house of Arvinder Singh alias Soni village Shahpur, saying that after today you should not give drugs to my son. On 15-04-2024 my son Kulveer Singh used to bring Arvinder Singh alias Soni, Kulveer Singh alias Kala, Raghveer Singh alias Nikka aforesaid. Who injected this chitta after sitting at Indian Oil toilet. Who with the overdose of this chitta my son Kulveer Singh died. Arvinder Singh alias Soni, Kulveer Singh alias Kala, Raghveer Singh alias Nikka aforesaid knew that my son might die by consuming this drug. Who have deliberately given white chitta to my son Kulveer Singh. This drug was given to my son Kulveer Singh, due to which he died. Legal action should be taken against Arvinder Singh alias Soni, Kulvir Singh alias Kala, Raghvir Singh alias Nikka aforesaid. The statement to you was

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*read and written in the presence of my husband Paramjit Singh.
True/ Malkit Kaur.”*

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The cause of death was a cardiac arrest and no poison was detected in the Visera which would show that the deceased had not died on account of a drug overdose. The co-accused of the namely, Kulvir Singh @ Kala and Raghveer Singh alias Nikka have been granted the concession of bail vide order dated 09.01.2025 passed in CRM-M-42900-2024. As the petitioner was in custody since approximately 10 months but none of the 12 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail even though he was an accused in one other case arising out of FIR No.26 dated 26.04.2024 U/s 21 NDPS Act P.S. Cheema in which he has been granted the concession of bail vide order dated 28.05.2024 (Annexure P-3).

4. On the other hand, the learned State counsel while referring to the reply dated 21.10.2024 contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession as prayed for. He, however, concedes that the petitioner was in custody since the last 10 months, that none of the 12 prosecution witnesses had been examined so far, that two the co-accused namely, Kulvir Singh @ Kala and Raghveer Singh alias Nikka had been granted the concession of bail by this Court vide order dated 09.01.2025 passed in CRM-M-42900-2024 and that in other case

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registered against him, he had been granted the concession of bail vide order dated 28.05.2024 (Annexure P-3).

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 09 months and 30 days but none of the 12 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required moreso when two co-accused namely, Kulvir Singh @ Kala and Raghveer Singh alias Nikka had been granted the concession of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Arvinder Singh alias Sony S/o Jagraj @ Jagtar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.02.2025

JITESH

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