



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-40149-2025
Decided on : 05.08.2025

Tarun Kumar @ Mota . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Lakshay Bector, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Tarun Kumar @ Mota	41	27.02.2025	105 of BNS, 2023	Dugri	Ludhiana

2. Learned counsel for the petitioner contends that even if the allegations are taken at face value, the deceased – Sahil Hans – died due to an overdose of narcotic drugs or because of his ill health.

By referring to the contents of the FIR, learned counsel submits that the case was registered at the instance of his wife – Jassimran Kaur – stating that her husband (deceased – Sahil Hans) had been addicted to drugs for the last 7–8 years. He had also undergone treatment at the De-addiction Centre, Kup Kalan, Malerkotla. After returning from there, he was seen in



the company of the petitioner in the days leading up to his death. On the day of the incident, i.e., 26.02.2025, the deceased was last seen with the petitioner until about 6:00 P.M., and he died at his own residence around 11:00 P.M. Before his death, he had gone to the bathroom, where he vomited and fell down.

3. Learned counsel further argues that the circumstances narrated in the FIR do not disclose any direct involvement or active role of the petitioner in causing the death of the complainant's husband. Even, the offence under Section 105 of the BNS, 2023 (corresponding to Section 304 IPC), is not clearly made out and same would be a moot question before the trial Court. Besides, petitioner is inside jail for a period of about 05 months. Therefore, learned counsel prays for the grant of regular bail.

4. On the other hand, learned State counsel has filed the custody certificate dated 04.08.2025 in Court today, which is taken on record, subject to all just exceptions. The Office is directed to tag the same at the appropriate place. A copy thereof has been supplied to the learned counsel for the petitioner.

Learned State counsel, while opposing the prayer for bail, does not dispute the factual aspects as noticed above, including the duration of incarceration and the fact that no prosecution witness has been examined so far.

5. I have considered the rival submissions and perused the material on record.

On being asked, it is submitted that the petitioner is not involved in any other criminal case and is a young boy of 23 years of age. Investigation has already been completed and challan has been filed.



However, the process of recording of statements of the prosecution witnesses is yet to start. Besides, the question as to whether the offence under Section 105 of the BNS, 2023, is made out or not, is a matter for adjudication during the trial. Accordingly, in the totality of the circumstances, this Court finds it appropriate to grant the concession of regular bail to the petitioner.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 05, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*