



CRM-M-48728-2024

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(298)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48728-2024

Date of Decision: 27.02.2025

VIJAY SINGH ALIAS VIJAY KUMAR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-52266-2024

JOGRAJ SINGH ALIAS SONU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. T.S. Sullar, Advocate
for the petitioners in both the petitioners.

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

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-48728-2024 titled as Vijay Singh alias Vijay Kumar versus State of Punjab and CRM-M-52266-2024 titled as Jograj Singh alias Sonu Versus State of Punjab as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-48728-2024.

2. The prayer in the present petitions under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.0117 dated



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25.06.2024 registered under Sections 304 and 34 IPC at Police Station Sadar Shri Muktsar Sahib.

3. The present FIR came to be registered at the instance of Gurdev Singh S/o Late Hazoor Singh and the same reads as under:-

“Statement of Gurdev Singh, son of late Hazoor Singh, resident of village Thaandewala, district Sri Muktsar Sahib, age around 65 years, contact number:98885-26276. Stated that I am a resident of the address mentioned above and retired from the Health Department in 2018. Now, I am living a normal life at home. We are five brothers. The eldest is Teja Singh. After him, I am the next. After me is Babu Singh, followed by Bhapp Singh, and the youngest is Mahinga Singh. My younger brother Bhapp Singh's son, Jagsir Singh, who was around 28 years old, was a simple and innocent person. He couldn't do anything on his own and could easily be influenced to do anything by anyone. We, the entire family, have been keeping an eye on him to prevent any unfortunate incidents. About one and a half months ago, Vijay Kumar, son of Raju, Sonu son of Vijay Kumar (father-son duo), Gurmeet Singh, son of Tej Singh, all residents of village Thaandewala, along with Bunty, son of an unknown person, resident of village Ghariyana, district Fazilka, used to roam around our village. They were involved in dangerous activities, such as digging a pit and burying someone in the ground, walking barefoot on broken glass, piercing needles through the body, and passing needles through the tongue. They would also hold hot chains by cooling them with their hands, performing life-threatening stunts. My nephew, Jagsir Singh, being simple-minded and a drugs substance abuser, started hanging out with these people and became involved in the above-mentioned activities. He began staying with them. Then, on June 20, 2024, Vijay Kumar and the other three individuals dropped my nephew



Jagsir Singh at my brother Mahinga Singh's house in an unconscious state. We found him in a severely injured condition, with swelling on his hands, feet, and face, and other injuries caused by the violent acts mentioned earlier. They had also applied black oil on his body. We took him in an unconscious state to Dr. Madan Mohan Bansal's hospital in Sri Muktsar Sahib, but after examining Jagsir Singh, he refused to admit him, stating that they couldn't treat him, and advised us to take him elsewhere. We then admitted him to GGS Medical College and Hospital, Faridkot, where his treatment began. After three days, my nephew regained consciousness and told us that Vijay Kumar, Sonu, Gurmeet Singh, and Bunty used to make him perform acts like being buried underground, walking on broken glass, and piercing needle in the tongue, holding hot iron chains in the hands. On June 24, 2024, during his treatment, Jagsir Singh's condition suddenly worsened, and he passed away at around 1:30 PM. The doctor declared him dead. Today, we have come to the police station to report that my nephew Jagsir Singh died due to the actions of Vijay Kumar, Sonu, Gurmeet Singh, and Bunty, who were involved in dangerous stunts and games. My brother Bhapp Singh is also mentally challenged, which is why I am giving my statement regarding my nephew Jagsir Singh's death. I hold Vijay Kumar, Sonu, Gurmeet Singh, and Bunty responsible for my nephew's death, and I request legal action against them. The statement was written and read out, and confirmed to be correct. SD/- Gurdev Singh.”

4. The learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case on the basis of conjectures. The deceased died as he was a drug user and was suffering from multiple health conditions. The postmortem report itself would reveal that there were no injuries on the person of the deceased and the cause of death



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was stated to be “multiple organ dysfunction syndrome” which is a natural disease process sufficient to cause death in the ordinary course of nature. As the petitioners were in custody since the last 05 months (approximately) respectively but only one of the prosecution witnesses namely Gurdev Singh had been examined so far who had otherwise turned hostile, the trial of the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

5. On the other hand, the learned State counsel contends that the nature of the allegations leveled against the petitioners did not entitle them to the concession as prayed for. He, however, concedes that as per the postmortem report there were no injuries on the person of the deceased as also the fact that the cause of death in this case was “multiple organ dysfunction syndrome” which was sufficient to cause death in the ordinary course of nature. He also concedes that Gurdev Singh (complainant) had been examined as PW1 and had not supported the prosecution case as also the fact that only 01 of the 16 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the petitioners.

7. A perusal of the postmortem report would reveal that there are no injuries on the person of the deceased. As per the final medical opinion, the cause of death is as under:-

“On going through the findings of postmortem examination report, Histopathology examination report from The Department of Pathology, GGSMCH Faridkot vide Path No./2024/1303 dated



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04/12/24 and copy of chemical analysis report from The Chemical Examiner, Govt. of Punjab, Kharar vide 3525 dated 26.09.2024 brought by concerned police person along with request letter.

The cause of death in this case in our opinion complications of multiple organ dysfunction syndrome which is natural disease process sufficient to cause death in ordinary course of nature.”

8. Gurdev Singh (complainant) was examined as PW1 and not supported the prosecution case. The petitioners are stated to be in custody since the last 05 months (approximately) respectively but only 01 of the 16 prosecution witnesses has 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 petitioners is not required moreso when they have clean antecedents with no other cases registered against them.

9. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.02.2025

JITESH

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