



CRM-M-44987 of 2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-44987 of 2025
Date of Decision: 26.11.2025

Gurtej Singh @ Teji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.161 dated 10.10.2024 registered under Sections 105, 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Dhuri, District Sangrur.
2. Brief facts as per the case of the prosecution are that the petitioner in connivance with co-accused pushed one Jaswinder Singh (brother of the complainant) into the canal and due to drowning, he died.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said incident. He argues that only allegation against the petitioner as per

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the prosecution is that the petitioner administered overdose of narcotic drugs to the deceased (Jaswinder Singh), which remains unsubstantiated at this stage. He further argues that reading of the FIR reveals that the incident may have arisen from an altercation between the petitioner and the deceased, rather than being a case of drug overdose. He further argues that there is no eye-witness in the present case and the FIR is merely on the basis of hearsay version. He argues that as per the prosecution, petitioner and one Damandeep Singh took the deceased on scooter along with them on 08.10.2024 but the FIR in question was registered on 10.10.2024 i.e. after a delay of two days, casting serious doubt on the prosecution story as no missing report was filed by the family of the deceased when he had not returned for two days. Further, co-accused Mahinder Kaur @ Tindo, who was nominated as an accused on the basis of disclosure statement of the petitioner, has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 21.07.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case. No recovery is to be effected from him. The petitioner is in custody since 11.10.2024. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 20 prosecution witnesses but none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.



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4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He argues that the petitioner is specifically named in the FIR and he has played an active role in the crime. However, he has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner has been in custody for more than 01 year and 01 month; he has clean antecedents, investigation is complete; challan stands presented; charges framed; no prosecution witness has been examined; the complicity of the petitioner is a matter of trial, and the trial is likely to take a long time to conclude. No useful purpose would be served by keeping the petitioner in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".



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7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

26.11.2025
D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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