



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

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**CRM-M No.46475 of 2025
Date of decision : 28.8.2025**

Nasib Kumar @ Naseeb Kumar**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Amisha Batra, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.221 dated 16.12.2024, under Sections 105 and 123 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar, District Hoshiarpur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Harnek Singh So Sh. Kabal Singh Rio Vill. Saleran, PS Sadar. Dist. Hoshiarpur age 52 years Phone Number 62800-13487. Stated that I am resident of the aforesaid address and I am working in Reliance Factory, Chohal and I have two sons and one daughter and my elder son Bhupinder Singh is aged about 28 years and is un-married and is working as driver in brick kiln. On 14.12.2024 at about 8 P.M. Bhupinder Singh had accompanied Paramvir Singh Sahil on his motorcycle towards viltage Adamwal, but he did not come back home and his phone bearing No.



76819-55958 was also coming switched off. The complainant remained finding him and also inquire from said Sahil but did not get any clue. On 15.12.2024, the complainant gave information to the police station regarding missing of Bhupinder Singh and when complainant was present in his house at 9 A.M, he came to know that dead body of his son was lying in the bushes in the colony situated in village Kotla Gonspur, whereupon complainant along with Navjinder Singh, (Sarpanch), Santokh Singh (cousin) reached at the spot where Paramvir Singh @ Sahil, his mother and aunt along with cluster of people already there and the dead body of his son was lying in the bushes. The mobile phone containing sim No. 76819 55958 and the wallet of Bhupinder Singh was also not found there. The complainant concluded that his son Bhupinder Singh has been killed by giving him some poisonous substance as there were no external serious injury on his person except injury on his left hand thumb and blood oozed from his nose The complainant came to know that on 14.12.2024, when his son has come along with Paramvir Singh @ Sahil. Tinku resident of Adamwal also joined them and he suspect that Bhupinder Singh had been murdered by Paramvir Singh @ Sahil and Tinku by administering him some poisonous substance. Necessary action be taken against Paramvir Singh @ Sahil and Tinku. I have given my statement in presence of my uncle's son Gurnam Singh S/o Jeet Singh.

The same is being read over and found to be correct. Sd/- Harnek Singh the aforesaid/-.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 20.12.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that there is no direct and connecting evidence available against the petitioner and the last seen evidence is also in respect of co-accused Paramveer Singh alias Sahil. Learned counsel has further argued that the only external serious injury poured upon the person of deceased was an injury on the left hand thumb and blood was oozing out of his nose. Learned counsel has further argued that the prime



allegation against the petitioner is that he alongwith co-accused administered the deceased some poisonous substance. Learned counsel has further argued that the deceased was addicted to drugs and his death is primarily on account of over-doze. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 27.8.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 20.12.2024 wherein after investigation was carried out and challan stands presented on 13.3.2025. Total 15 prosecution witnesses have been cited but none has been examined till date. Thus it is indubitable that conclusion of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 27.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of



about 8 months and 6 days. As per the said custody certificate, the petitioner is stated to be involved in multiple FIRs registered under the provisions of IPC and NDPS Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-



- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

28.8.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No