

2025.PHHC.000613



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(225)

CRM-M-51309-2024
Decided on : 07.01.2025

Sunny

Versus

.....Petitioner(s)

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MRS.JUSTICE MANJARI NEHRU KAUL

Present: Mr.Manpreet Singh, Advocate for the petitioner (s).

Mr.Navdeep Singh, DAG, Punjab
Assisted by Inspector-Rajesh Kumar.

MANJARI NEHRU KAUL, J. (Oral)

1. Prayer in the instant petition is for grant of regular bail to the petitioner under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.206 dated 23.12.2023 under Sections 304 & 34 of IPC and Sections 420, 365, 344 of IPC, added later on registered at Police Station Jaito, District Faridkot.

2. Learned Counsel for the petitioner submits that totally vague and unsubstantiated allegations have been levelled against the petitioner in the FIR in question that he along with the co-accused had inflicted injuries upon the deceased as and when the latter demanded drugs from them, during his stay in a de-addiction centre. Learned Counsel has submitted that other than the bald averments made by the complainant, there was no material on record much less in the shape of any CCTV Footage to substantiate the allegations levelled

against the petitioner of having assaulted the deceased.

3. It has further been argued by Learned Counsel that after the petitioner was arrested on 17.02.2024, till date, only 2 prosecution witnesses out of 34 cited had been examined and therefore, there was no likelihood of the trial concluding in the near future, more so, when despite issuance of bailable/non-bailable warrants to secure the presence of the prosecution witnesses including the complainant/PW-Jagdeep Singh, they had been continuously absenting themselves before the Trial Court. In support, Learned Counsel has produced the zimni orders of the Court below which are taken on record subject to just exceptions. It has also been urged by the Learned Counsel that the petitioner has no previous criminal antecedents.

4. Per contra, Learned State Counsel, while opposing the submissions made by Learned Counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has also not been disputed by Learned State Counsel, on instructions that despite issuance of bailable/non-bailable warrants, the prosecution witnesses, including the complainant, have continuously been absenting themselves before the Trial Court. However, Learned State Counsel has reiterated the allegations leveled against the petitioner in the FIR in question, annexed as Annexure P-1 which stands reproduced hereunder:

“Statement of Jagdeep Singh son of Soma Singh son of Jeon Singh aged about 21 years resident of Deep Singh Wala, District Faridkot, Mobile No.88722-99828. Stated that I am resident of above said address and i do labour work. We are two brothers. Elder brother Kuldeep Singh who was habitual of taking intoxicants. For the de-addiction of Kuldeep Singh, we have talked with Vakil Singh @ Vakilha and he took him in his vehicle from Village Deep Singh Wala and he had demanded total

*expenses of 23,000/- (Twenty-Three thousand) for the period of three months. We have paid him an amount of 15,000/- and balance amount was to be paid later on. That on Dated 23.10.2023, Vakil Singh had taken Kuldeep Singh and thereafter we had received one phone call that Kuldeep Singh is extremely ill and he should be taken back. On Dated 21.12.2023, we had taken the vehicle and had gone to Village Bishnandi in Drug De-addiction Centre where Kuldeep Singh was having many injuries and we had brought him in our vehicle and had got him admitted in GGS Medical Hospital, Faridkot for the treatment. On Dated 22.12.2023, Doctor had discharged Kuldeep Singh and today, we had come to GGS Medical Hospital, Faridkot for getting medicines for him and then Kuldeep Singh had died there. That we have come to know Kuldeep Singh was inflicted injuries at Drug De-addiction Centre, Bishnandi by Vakil Singh @ Vakilha Singh son of Bhola Singh, resident of Jaitu, Nirmal Singh @ Manga son of Bohar Singh, resident of Jaitu and **Sunny**. Due to this reason, he used to tell them that when he used to demand intoxicants from them, they used to give him beatings. The reason for the enmity is that the above said persons had given beatings to Kuldeep Singh as he used to demand intoxicants from them. Due to this reason, they had inflicted him injuries and he had died. Action be taken. I have got my statement recorded, heard the same and the same is correct. Sd/-above said Jagdeep Singh. Verified by Sd/- Salma Rani wife of Kuldeep Singh, resident of Deep Singh Wala. Verified by Sd/- Jaswant Singh ASI, Police Station, Jaitu Dated 23.12.2023.”*

5. On further instructions, Learned State Counsel has submitted that 2 out of the 34 witnesses have been given up while 2 have been examined, hence now only 30 witnesses cited by the prosecution remain to be examined.

6. I have heard Learned Counsel for the parties and perused the relevant material on record. The petitioner has been in custody for close to one year having been arrested on 17.02.2024. It is a matter of record that the complainant who is the most material witness in the present case, for reasons best known to him, has not been appearing before the Trial Court to get his evidence recorded, despite issuance of bailable/non-bailable warrants. Resultantly, there is no likelihood of the trial concluding in the near future.

7. In the facts and circumstances as enumerated hereinabove, this Court therefore deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 7, 2025
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No