



CRM-M-53304-2024

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

CRM-M-53304-2024

Reserved on: 25th February, 2025Pronounced on: 1st March, 2025

Shivam Singla @ Harry

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. T.S. Grewal, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Ajaivir Singh, Advocate for respondent No.2.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 95 dated 19.06.2024 registered under Section 304 of IPC and Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS') at Police Station Canal Colony Bathinda, District Bathinda, Punjab.

2. As per the prosecution case, on 01.06.2024, a GD No. 7 was registered on the basis of statement recorded by the complainant Bhim Sain alleging that his younger son Kartik had left home on the noon of 30.05.2024, on his Activa vehicle bearing No. PB-03BF-6143 by informing that he was going for some work. He did not return. The complainant and his



family had made search for him but could not find him. On 30.05.2024, information about the Aactiva vehicle of his son lying abandoned in Partap Nagar Area. He had taken the same back to his house. On 31.05.2024, he received information regarding dead body of an unknown person lying in the mortuary of Civil Hospital Bathinda and had identified the same, to be of his son. He further recorded that he had no suspicion on anyone and did not want to take any action. However, on 19.06.2024, the complainant again recorded a statement to the effect that he had making inquires about the death of his son and had come to know that infact on 28.05.2024, the present petitioner had taken the victim along with him and had administered an injection of smack to him. His son had died due to the impact of the intoxicant. He alleged that the victim also used to purchase intoxicants from Viru and Butta residents of Bathinda in the past. On the basis of his statement, aforementioned FIR was registered. Investigation proceedings were initiated. The petitioner was arrested on 22.08.2024. Investigation now stands concluded.

3. It has been argued by learned counsel for the petitioner that he has been falsely implicated in this case. He himself is HIV positive and is also suffering from black jaundice, which are life threatening diseases. He is a victim of drug himself and requires immediate treatment. There is inordinate delay of nineteen days in lodging of the FIR, which has not been explained. The co-accused Jagjit Singh has been extended benefit of pre-arrest bail. The deceased was also a drug addict and was habitual of purchasing *heroin* from accused Viru and Butta. The possibility of his death due to his own doing could not be ruled out. Trial is likely to take time. No



useful purpose would be served by detaining him in custody. Therefore, it is argued that he deserves to be released on bail.

4. Status report had been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner. In the CCTV footage of the camera, collected during the course of investigation, the victim was seen going on a Aactiva vehicle along with the present petitioner on 30.05.2024. His dead body was found two days thereafter. His vehicle was also found abandoned. The petitioner had injected the victim with injection of morphine thereby causing his death. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. As per the allegations, the victim had accompanied the petitioner on 30.05.2024 and his dead body was recovered on 01.06.2024 while lying on the road. His vehicle was recovered on 31.05.2024. As per the FSL report, morphine was found in the viscera contents of the dead body. The victim was admittedly a drug addict. The FIR was registered after a gap of nineteen days. The complainant who is father of the victim, had levelled allegation that apart from the petitioner two more persons namely Viru and Butta used to sell contraband to the victim. Both the above named persons have been extended benefit of bail. The petitioner is in custody since 22.08.2024. Investigation has concluded. Trial will take time. The injuries as found on the dead body and as shown in the post mortem report, cannot be



stated to be of such nature, which led to the death of the victim. There is no basis for the contention that the petitioner may abscond or intimidate the witnesses. Taking all the above discussed facts into consideration, I am of the considered opinion that further detention of the petitioner would not serve any useful purpose. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

1st March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*