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

CRM-M-55531-2024

Date of Decision: 28.01.2025

Jaskaran Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Pankaj Garg, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

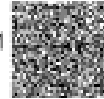
Mr. Bikramjeet Singh Jatana, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

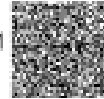
1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.107 dated 03.06.2024 registered under Sections 304, 201, 511 of IPC and Sections 27, 29, 61, 85 of NDPS Act, at Police Station City Budhlada, District Mansa.

2. The FIR in the present case was registered on the basis of the statement made by Balvir Singh son of Nirmal Singh and the same has been reproduced below:-

“Statement of Balvir Singh son of Nirmal Singh son of Niranjana Singh resident of Ahmedpur, aged about 42 years, Mobile No.98154-15941. Stated that I am resident of aforementioned address and do agriculture work. I have two sons. My elder son, Jashanpreet Singh, aged about 19 years, and younger son Kulwinder Singh, aged about 13 years. On



27.05.2024, at about 01:30 p.m., my son, Jashanpreet received a phone call from his friends. After receipt of the phone call, my son left from the house on his motorcycle bearing registration No. PB-31 Q-6217. When my son did not return home till evening, we started searching for him. On 28.05.2024, at about 10:00 o'clock, we received a phone call from Police Station Sunam that dead body of my son had been found near the outskirts of the drain and asked me to reach the police station. On receipt of the aforesaid phone call, I immediately reached Police Station Sunam and after getting conducted proceedings U/s 174 of the Cr.P.C. and post mortem, the dead body was cremated. Thereafter, we came to know that on 27.05.2024, my son, Jashanpreet Singh went to his friend, Jaspreet Singh alias Bablu son of Labh Singh, resident of Bachowana. Where his other friends namely Mandeep Singh alias Lucky Hundar son of Jatinderpal Singh, Jaskaran Singh alias Lali son of Jatinderpal Singh, residents of Ward No.2, Budhlada and Mintu resident of Near Kalipur Fatak, Budhlada, who are drug addicts, were also present. They called my son in Budhlada City and gave him excessive dose of drug and due to overdose, my son, Jashanpreet Singh was died. Thereafter, the aforesaid persons with a view to hide their crime and to distort the dead body, throw the dead body of my son along with motorcycle in the bushes near drain at Sunam. We have also came to know that Jaspreet Singh etc. used to get the drugs from one couple in the area of Sunam. Jaspreet Singh, Mandeep Singh, Jaskaran Singh, Mintu have committed the death of my son by giving him overdose of the drug. They have also tried to distort the dead body of my son. Therefore, legal action may kindly be taken against Jaspreet Singh, Mandeep Singh, Jaskaran Singh, Mintu. Statement has been recorded, listen and same is correct. Sd/- Balvir Singh. attested by Sd/- Amrik Singh, ASI, Police Station City Budhlada, dated 03.06.2024.”

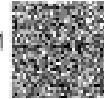


3. Learned counsel for the petitioner contends that the death of Jashanpreet Singh had taken place due to overdose of drug and no other person was at fault. He further contends that initially even the complainant had made a statement before the police that his son had died due to overdose of drugs and he did not want to initiate any proceedings against anyone. However, subsequently, he coined a false version and involved the petitioner and other accused in the present case. He further contends that the FIR was got registered by the complainant after a gap of about 07 days from the occurrence. Learned counsel further submits that the petitioner was arrested in the present case on 03.06.2024 and the final report under Section 173 Cr.P.C. has already been presented against him. He further contends that the petitioner himself is a drug addict and has been falsely involved by the complainant.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender. Moreover, the petitioner and other co-accused had shifted the dead body of Jashanpreet Singh from the place, where he had consumed drugs and had expired. Thus, keeping in view the gravity of the offence, the present petition deserves to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the record.

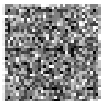
6. In the present case, the petitioner, co-accused and Jashanpreet Singh were present at one place and due to overdose of drugs, Jashanpreet Singh had expired. It is also admitted fact that there were no injuries on the



person of Jashanpreet Singh at the time of incident. Still further, the petitioner is in custody for the last more than 07 months and the prosecution has failed to bring on record any evidence to indicate that he is in a position to influence the witnesses of the prosecution.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*



(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(viii) *The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

28.01.2025
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(N.S.SHEKHAWAT)
JUDGE

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