

CRM-M-56173-2025

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

CRM-M-56173-2025

Date of decision: 12.12.2025

ROHIT KUMAR**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Jasinder S. Sekhon, Advocate for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.18, dated 09.02.2025, under Sections 105 of BNS, 2023, registered at Police Station Division No.06, District Ludhiana.

2. Succinctly the facts of the case is that the FIR was lodged on the statement of the complainant, namely, Praveen Kumar. It was alleged that his son, namely, Gagan Sharma was working for the last about 02 years as a helper at Lekhi Mechanical Street No. 04 Ranjit Nagar, Ludhiana. He had fallen in a bad company and started taking drugs. On 08.02.2025, at about 09:45 PM, his wife received a call from a boy that her son-Gagan Sharma was found in an unconscious stage and they had brought him to his house. On hearing, they reached the house of that boy and found their son lying in unconscious state. He was taken to Grewal Hospital, Ludhiana, where he was declared dead. Request was made to take legal action against the accused person. During investigation, complainant made a supplementary statement on 10.02.2025, wherein the complicity of the petitioner was surfaced. Thus, he was arrayed as an accused. The petitioner was arrested on 10.02.2025. On completion of the investigation, the challan was presented. On framing of charges, trial commenced. He

approached the learned Additional Sessions Judge, Ludhiana for grant of bail.



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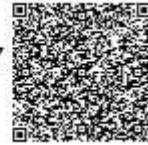
However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Ludhiana declined the bail application vide order dated 07.08.2025. Thus, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the petitioner is neither named in the FIR nor an overt act has been attributed to him. The supplementary statement of the complainant was recorded and thereafter, without there being any evidence, the petitioner was roped in the present case. He further submits that admittedly, the deceased-Gagan Sharma was a drug addict and the cause of death is over dose of the same. The petitioner cannot be said to have any intention to kill the deceased and no *prima facie* as alleged, is made out against the petitioner. He further submits that the petitioner is behind bars for the last more than 09 months and he is not involved in any other of similar nature. The investigation is complete and challan has been presented. Thus, in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Reply by way of affidavit of Satwinder Singh Virk, PPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana on behalf of the respondent-State has been filed in Court today and the same is taken on record. Copy thereof has been supplied to the counsel opposite.

5. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the complicity of the petitioner surfaced during the investigation. The deceased-Gagan Sharma was in the company of the petitioner and due to the over dose of the drug, he died. He further submits that the investigation is complete and charges have been framed.

On instructions, he further submits that out of total 15 prosecution witnesses,
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none has been examined till date. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR was registered against unknown persons. However, petitioner has been arrayed as an accused on the basis of the supplementary statement of the complainant. The deceased died due to over dose of the drug. Custody certificate produced would show that the petitioner has completed incarceration of 09 months and 27 days as on 11.12.2025. It further reflects that the petitioner is involved in one more case, however, he is on bail in that case. Out of total 15 prosecution witnesses, none has been examined till date.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time.

8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.12.2025

*renubala***(RAJESH BHARDWAJ)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No