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2025:PHHC:155881



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

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Date of decision: November 12, 2025

Neeraj Kumar @ Gattu @ Neeraj

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.157 dated 26.06.2025, registered for the offences punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), at Police Station Sadar, Jalandhar.

2. The gravamen of the FIR in question is that complainant, namely, Ajay Kumar, stated that on 23.06.2025, Sunil Kumar (younger brother of the complainant) returned home from work at about 8:00–8:30 P.M. Thereafter, he went outside and came back around 11:30 P.M., but again left the house, informing the family that he would return within 10–15 minutes. At about 1:40 A.M., their mother called Sunil Kumar, who again said that he would return in 10–15 minutes. However, after that, he stopped responding to their calls. Later, the family came to know that Sunil Kumar

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had died in the room of a tubewell located in village Khusropur. On 24.06.2025, the complainant-Ajay Kumar gave a supplementary statement, in which he stated that he had come to know that his brother had been taken to village Khusropur by Neeraj Kumar @ Gattu (*petitioner herein*), who is known to be a drug addict. It was further alleged that Neeraj Kumar (*petitioner herein*) administered some intoxicating substance to Sunil Kumar, after which he left him in the tubewell room while he was writhing in pain. Subsequently, Sunil Kumar succumbed and was found dead in that room.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 26.06.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, petitioner as well as the deceased were drug addicts and death of the deceased-Sunil Kumar has taken place on account of overdose & hence, offence under Section 105 of the BNS (earlier Section 304 of IPC) is not made out against the petitioner. Learned counsel has further submitted that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner 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 the custody certificate dated 11.11.2025, in the Court today, which is taken on record.

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

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6. The petitioner was arrested on 26.06.2025 whereinafter investigation was carried out and challan has been presented on 25.09.2025. Total 20 prosecution witnesses have been cited, out of which, none has been examined till date. It is thus, indubitable that conclusion of the trial will take its own time. The rival contentions raised at Bar; including as to whether offence under Section 105 of the BNS (earlier Section 304 of IPC) is made out against the petitioner or not; 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 11.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 months & 14 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu 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.

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- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 12, 2025
mahavir

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