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

1)

CRM-M-6895-2025

Date of decision: 02.04.2025

Manvir Singh @ Mani

....Petitioner

Versus

State of Punjab

...Respondent

2)

CRM-M-62393-2024

Sukhwinder Singh alias Shinda

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.S. Cheema, Senior Advocate with
Ms. Sumanjit Kaur, Advocate
for the petitioner (in CRM-M-6895-2025).

Mr. P.S. Ahluwalia, Advocate
for the petitioner (in CRM-M-62393-2024).

Mr. Sandeep Kumar, DAG, Punjab.

Mr. L.S. Sekhon, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

This common order shall dispose of both the aforementioned petition(s) as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-6895-2025.

These petitions have been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.62 dated 10.09.2024 under Sections 105/3(5) of BNS (earlier Sections 304/34 of IPC) registered at Police Station Sandaur, District Malerkotla.



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The FIR (*supra*) was registered on the statement of the complainant by alleging that she is engaged in the private job in Reliance Health Care, Ludhiana and her marriage was taken place in the year 2013. It is further alleged that about 25 years back, her parents adopted one Ramandeep Singh, the son of her aunt (*bua*). Ramandeep Singh was addicted to alcohol due to which the complainant along with her mother got him admitted in De-addiction Centre at Village Rajewal, Tehsil Samrala, District Ludhiana on 05.09.2024, whose proprietor was Sukhwinder Singh (the petitioner herein). Further, Sukhwinder Singh without intimating the complainant and her mother, brought her brother-Ramandeep Singh from De-addiction Centre, Village Rajewal to De-addiction Centre, Village Maholi Kalan. On 08.09.2024, it has been informed by son of her aunt (*bua*), namely, Dilpreet Singh, that he received a phone call from said Sukhwinder Singh at 08:30 A.M. who informed him that Ramandeep Singh had died of heart attack and his body was lying at Pro Life Hospital, Near Gill Bye Pass, Ludhiana and asked him to visit the same. Thereafter, the complainant along with her husband and other relatives reached the said hospital and noticed that her brother had injury marks on his right eye, both legs, neck, shoulder and waist and for the postmortem, they have deposited the dead body of Ramandeep Singh at Hind Hospital, Ahmadgarh. Further, her cousin brother, namely, Sarabjit Singh, who resides in Canada, came to attend last rites of Ramandeep Singh and therefore, they had not initiated any proceedings from 08.09.2024 till 10.09.2024. Thereafter, the complainant came to know that De-addiction Centre being run at Village Maholi Kalan is unauthorized one and Sukhwinder Singh and his unknown



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accomplices and patients, under the garb of de-addiction, have committed inhumane atrocities and have killed Ramandeep Singh and thus, the instant case.

Learned senior counsel for the petitioner in CRM-M-6895-2025 *inter alia* contends that there is absolutely no legal evidence against petitioner-Manvir Singh @ Mani. The petitioner has been falsely implicated in the present case on the statement made by Sukhwinder Singh, owner of the De-addiction Centre. Although, it has been claimed that disclosure statement of co-accused-Sukhwinder Singh has been recorded but no such disclosure statement has been incorporated in the final report under Section 193 of BNSS (earlier Section 173 of Cr.P.C.) (Annexure P-3). Further, there is no statement indicating or assigning any role to the petitioner made by any witness in the entire report under Section 193 of BNSS (earlier Section 173 of Cr.P.C.). The material witnesses cited by the prosecution do not in any manner spell out the exact role played by the petitioner. He further relies upon Annexure P-8 and submits that the petitioner is also one of the inmates of the De-addiction Centre and his name is mentioned at Serial No.14 of the register maintained by the De-addiction Centre, whereas, the name of the deceased is at Serial No.5. The petitioner is sought to be made an accused at the behest of the owner of the De-addiction Centre just to pass the buck. Further, the nature and extent of injuries clearly indicate that the offence as alleged by the prosecution has not been made out. Further, the opinion rendered by the Doctor in the postmortem report is not specific and it is opined that death occurred due to multiple injuries and most probably due to head injury.



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Learned counsel for the petitioner in CRM-M-62393-2024 *inter alia* contends that in the entire case set up by the prosecution, the presence of the petitioner is not even alleged at the time of incident and he is being made an accused only on the ground that he is the owner of the De-addiction Centre and he is vicariously liable for the death of an inmate. Further, there is nothing on record to establish that the factual ingredient with regard to intention and knowledge are there to make the petitioner liable for an offence under Section 105 of BNS.

The learned State counsel assisted by learned counsel for the complainant, has filed custody certificates in the Court today which are taken on record and per contra, opposes the grant of regular bail to the petitioners on the ground that the deceased had died in the De-addiction Centre run by the petitioner-Sukhwinder Singh, and, as such, in view of the provisions contained under Sections 106 of Indian Evidence Act, it is incumbent upon the petitioners to spell out how the deceased had suffered an unnatural death. Further, the petitioners tried to mislead the complainant by projecting it to be a case of heart attack and the deceased was admitted in De-addiction Centre, Rajewala and without the permission of the family of the deceased, he was shifted to De-addiction Centre, Maholi Kalan which is a unregistered De-addiction Centre, as such, the complicity of the petitioners is duly proved. He further submits that petitioner-Manvir Singh @ Mani is involved in two more cases under the NDPS Act.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:



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“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioners-Manvir Singh @ Mani and Sukhwinder Singh @ Shinda, are behind the bars since 22.09.2024 and 15.09.2024, respectively. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 21 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

Keeping in view the law laid down by the Hon'ble Supreme Court of India in '**Prabhakar Tewari Vs. State of U.P. and another**' 2020 (1) R.C.R. (Criminal 831) and '**Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another**', 2012 (2) SCC 382, the involvement of the petitioners in other cases would not be a ground to refuse grant of concession of regular bail.

In view the above, the present petitions are allowed. Thus, without commenting upon the merits of the case lest it may prejudice the



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outcome of the trial, the petitioners-Manvir Singh @ Mani and Sukhwinder Singh @ Shinda, are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

A photo copy of this order be placed on the file of connected case.

**(HARPREET SINGH BRAR)
JUDGE**

02.04.2025

Neha

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