



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

**CRM-M-1681-2025
Date of decision: 11.02.2026**

SUKHBIR SINGH ALIAS SHERA

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Gagandeep S. Simble, Advocate and
Ms. Swati Verma, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner is seeking regular bail in case bearing FIR No.0192 dated 09.07.2024 registered under Section 127 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 105, 3(5), 238, 347(b) of BNS added later on) at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner contended that the petitioner is falsely involved in this case; initially, a report was lodged by the complainant that his son was missing, and he suspected co-accused Shamsher Singh @ Shera and Jobanjit Singh; co-accused Shamsher Singh @ Shera and Jobanjit Singh were apprehended and later released on bail; however, after a period of more than 15 days, the complainant made a supplementary statement that he inquired at his own level and came to know that his son was given some substance, due to which, he died and his body was thrown in some water body;



except the disclosure statement and paper work done by the police, there is no evidence available on record to connect the petitioner with the commission of crime; dead body of the deceased has not been recovered by the police; consequently, neither the post-mortem report nor medical report regarding any injury or substance is available on record to support the case of the prosecution; the petitioner is in custody since 26.07.2024 and the trial will take sufficient time to conclude. As such, learned counsel prayed for grant of regular bail to the petitioner.

3. Learned State counsel produced the custody certificate of the petitioner, which is taken on record and submitted that the present petitioner along with co-accused had given some (NDPS) substance to the deceased, namely, Bikramjit Singh which caused his death; thereafter, the petitioner and other accused threw the dead body in some water body. After their arrest, they demarcated the place of occurrence also. Petitioner is also involved in one more case, registered under the NDPS Act. Hence, learned State counsel prayed for dismissal of the present petition on account of seriousness of offence.

4. Heard.

5. Keeping in view the facts and circumstances of the present case and the contentions raised by learned counsel for the petitioner that initially, the petitioner was not named in the FIR and it was mentioned that the deceased left the house, and other co-accused were suspected and not the present petitioner; later on, after a period of 15 days, a supplementary statement was made by the complainant wherein, petitioner was named for the first time and complainant stated that he inquired at his own level and came to



know that his son was given some substance and his dead body was thrown in some water body; investigation of the case has been completed and challan has been filed; as per the contention of learned counsel for petitioner, there is no evidence available on record to support the case of the prosecution; neither the dead body was recovered at the instance of the accused nor any post-mortem report is available on record in support of the allegations levelled in the FIR; the petitioner is in custody since 26.07.2024; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping the petitioner in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both the parties and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

February 11, 2026
manisha

(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |