



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

237

CRM-M-39154-2025  
Decided on : 03.02.2026

Ankur . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Bhupinder Kaur Bhangu, Advocate (Legal Aid Counsel)  
for the petitioner(s).

Mr. Iqbalpreet Singh, AAG, Punjab.  
\*\*\*\*\*

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

| Name of Petitioner(s) | FIR No. | Date       | Section(s)                                                               | Police Station | District |
|-----------------------|---------|------------|--------------------------------------------------------------------------|----------------|----------|
| Ankur                 | 0130    | 19.09.2024 | 105, 238, 3(5) of BNS, 2023 [S. 27/29/61/85 of NDPS Act, added later on] | Anaj Mandi     | Patiala  |

2. As per allegations levelled in the FIR by complainant Gurdayal Singh, his elder son, namely Harsh Kumar, aged about 20 years, was learning tailoring from one Kaushal Kumar (master) for the last about two years. Usually, he used to return home at around 09:00 P.M. However, on 15.09.2024, he did not come back home. The complainant's younger son, namely Alekh, aged 16 years, received a call from Varun stating that Harsh Kumar had consumed excessive alcohol and was not feeling well, and that



he would drop him home once Harsh felt better. On 16.09.2024, at about 09:00 A.M., another call was received from an unknown person informing that Harsh Kumar had fallen near a water tank in a drunken state. Thereupon, the complainant reached the spot and found that his son Harsh Kumar was lying face down near barbed wires placed on the edges of the fields. He was immediately taken to the hospital, where he subsequently expired. Entertaining suspicion against the friends of the deceased, namely Arun (petitioner herein) and co-accused Varun, the instant FIR was got registered after a delay of four days, i.e., on 19.09.2024.

In the FIR, complainant suspected that his son had been administered an overdose by the accused persons, which allegedly resulted in his death.

3. Learned counsel for the petitioner argues that as per the status report dated 26.09.2025 filed by the State, the cause of death has been opined as, *“due to morphine overdose, which is antemortem in nature and is sufficient to cause death in the ordinary course of nature.”*

It is, therefore, contended that in the absence of any eye-witness account or any direct evidence to show that the alleged drug (morphine) was administered by the petitioner or his co-accused, such an allegation cannot be treated as a believable version, particularly when co-accused Varun himself had informed the complainant's family about the drunken condition of the deceased on the previous night.

4. Learned counsel further argues that even the FIR has been registered after a delay of four days, which renders the prosecution version doubtful and indicative of subsequent embellishment based merely on



suspicion. It is submitted that mere presence of the deceased in the company of the accused persons cannot ipso facto establish the offence of murder. The burden squarely lies upon the prosecution to prove beyond reasonable doubt that the overdose of morphine was administered by the petitioner or his co-accused and that the death was not a result of voluntary consumption by the deceased himself.

It is further contended that in the absence of any allegation or evidence of forceful administration of any drug, and in the absence of any corroborative injuries noticed during postmortem examination, the allegations levelled against the petitioner are prima facie unsustainable. Learned counsel also submits that the petitioner has been in custody since 20.09.2025, and out of total cited 30 prosecution witnesses, none has been examined so far. The case is based entirely on circumstantial evidence with no direct eye-witness account. Accordingly, it is prayed that the petitioner be granted the concession of regular bail.

5. Learned State counsel, while opposing the prayer for bail, submits that allegations against the petitioner are serious in nature, as the deceased lost his life due to morphine overdose. Learned State counsel further submits that the offence involves loss of a young life, and therefore, the petitioner does not deserve any leniency at this stage.

However, learned State counsel very fairly concedes that there is no direct evidence to show that the petitioner had forcibly administered any intoxicant to the deceased. It is also admitted that the case is entirely based on circumstantial evidence and that there is no eye-witness account to the alleged occurrence. Learned State counsel further confirms that no other



criminal case of any nature is registered against the petitioner and that none of the prosecution witnesses has been examined so far.

6. I have heard learned counsel for the parties and perused the material available on record.

7. From the facts as noticed here-above, it is apparent that the entire case of the prosecution rests upon circumstantial evidence. There is no eye-witness account to establish that the petitioner had administered morphine or any other substance to the deceased. The cause of death has been opined as morphine overdose; however, whether such overdose was voluntarily consumed by the deceased or was administered by the petitioner is yet to be established during trial. FIR itself has been registered after a delay of four days, and the allegations appear to be based largely on suspicion arising out of the fact that the deceased was last seen in the company of the accused persons.

It is also noteworthy that during postmortem examination, no injury suggestive of forceful administration of any drug has been noticed. The crucial aspect of conscious and intentional administration of narcotic substance by the petitioner is a matter which requires strict proof during trial.

Further, petitioner has been in custody since 20.09.2025 and out of total cited 30 prosecution witnesses, not even a single witness has been examined so far. Therefore, trial is likely to take considerable time to reach its culmination. In such circumstances, his continued detention for an indefinite period would not serve any meaningful purpose.

8. Considering the totality of the circumstances, nature of



allegations, absence of direct evidence, stage of trial, and the period of custody already undergone, this Court is of the considered view that the petitioner deserves to be enlarged on bail. Therefore, without commenting anything on the merits of the case, and keeping in view the settled principles governing grant of bail, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**.  
Petitioner – Ankur, is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)  
JUDGE

**February 03, 2026**

*J.Ram*

*Whether speaking/reasoned:* Yes/No

*Whether Reportable:* Yes/No