

2026.PHHC.042347



CRM-M-46534-2025 and
CRM-M-61442-2025

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

111(2 cases)

Date of decision: 18.03.2026

CRM-M-46534-2025
JATINDER SINGH ALIAS HAPPY VS. STATE OF PUNJAB

CRM-M-61442-2025
AMANDEEP SINGH ALIAS AMNA VS. STATE OF PUNJAB

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aminder Singh, Advocate,
for the petitioner in CRM-M-46534-2025.

Mr. L.S.Sekhon, Advocate,
for the petitioner in CRM-M-61442-2025.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petitions filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioners in case FIR No.5 dated 07.01.2025, registered at Police Station Lehra, District Sangrur, under Sections 127(6) BNS and Sections 103(1), 61(2), 310(3) and 238 BNS (added later on).

2. Learned counsel contend that the petitioners have been in custody for 1 year and about 2 months. They allege false implication. The allegations levelled by the complainant are that the petitioners had given some poisonous material/intoxicant to eat, drink or inject to his son (since deceased), however, as per the medical report reproduced in para 6 of the

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status report dated 02.11.2025, filed in CRM-M-46534-2025, by way of affidavit of the Deputy Superintendent of Police, Sub Division Lehra, District Sangrur, no poisonous substance was found and cause of death was asphyxia as a result of aspiration of food particles. Charges have been framed on 15.10.2025, however none out of 25 PWs has been examined. On 15.12.2025, learned State counsel had submitted that efforts shall be made to examine the complainant on the next date of hearing, however, he did not appear, as is recorded in the order dated 05.02.2026. They refer to the order passed by the trial Court on 26.02.2026, whereby non-bailable warrants have been issued against PWs Kewal Singh (complainant), Randeep Singh and Gurpreet Singh, who had not appeared despite bailable warrants. Petitioner-Amandeep Singh is involved in 2 more cases, 1 of which is under NDPS Act and the other of IPC, wherein he is on bail, however, there is none against petitioner-Jatinder Singh @ Happy. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificates dated 18.03.2026, filed by the learned State counsel are taken on record. As per the same, petitioner-Jatinder Singh @ Happy is behind bars for 1 year, 2 months and 5 days, while petitioner Amandeep Singh, for 1 year, 1 month and 24 days.

4. Learned State counsel opposes bail on the ground that there are specific allegations against the petitioners by the complainant with regard to administering poisonous substance to cause death of his son.

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Further that, in compliance of the order dated 05.02.2026, the complainant was informed of the next date of hearing before the trial Court in respect of his deposition and a GD No.18 dated 26.02.2026 in this regard was registered, despite which he did not appear. However, he is unable to controvert the submissions with regard to stage of the case, petitioner-Jatinder Singh @ Happy being not involved in any other case and petitioner-Amandeep Singh being on bail in other cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last 1 year, 2 months and 5 days and 1 year, 1 month and 24 days, respectively, petitioner-Jatinder Singh @ Happy not involved in any other case, while petitioner-Amandeep Singh being on bail in other cases; charges stand framed on 15.10.2025; prosecution evidence has to commence; in all there are 25 PWs; the trial is likely to take a considerable time, further incarceration of

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the petitioners would be violative of their right enshrined under Article 21 of the Constitution of India, the present petitions are allowed.

8. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their addresses and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

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9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

11. Photocopy of this order be placed on the connected file(s).

18.03.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No