204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38624-2026
Date of Decision: 11.09.2026

SHUBHAM ...Petitioner

Vs.

STATE OF HARYANA ...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Sandeep Singh Jattan, Advocate with
Ms. Varsha Choudhary, Advocate,
Ms. Sundeep Kaurk, Advocate and
Mr. J.K. Jindal, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, Additional AG, Haryana.

VIRINDER AGGARWAL, J. ***(Oral)***

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 439 Cr.P.C., 1973), seeking grant of regular bail to the petitioner in FIR No. 41 dated 20.02.2026, registered under Sections 105 and 123 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 304 and 328 IPC, 1860), at Police Station Parao, District Ambala.

2. As per the prosecution, on 13.02.2026, information was received regarding the death of Kamal s/o Karambir Singh, resident of village Gadhi Jattan, District Karnal, at Civil Hospital, Kurukshetra. On the statement of his father Karambir Singh, proceedings under Section 194 BNS were initially undertaken and post-mortem examination of the deceased was conducted. At that stage, the complainant had stated that his son had died after consuming some medicine. The cause of death was kept pending till receipt of the chemical analysis report of the viscera and blood sample. Subsequently, on

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20.02.2026, the complainant approached the police again and made allegations against the present petitioner, Shubham son of Pankaj @ Sanju. It was alleged that on 12.02.2026 at about 2:00 PM, the petitioner had taken deceased Kamal on his motorcycle from the bus stand of the village to Ambala Cantt. for the purpose of making him consume/intake drugs. The petitioner allegedly procured an intoxicating/narcotic substance at Ambala Cantt. and injected the same to Kamal at an isolated place near a cloth showroom on NH-44. It was further alleged that the petitioner had earlier also been taking Kamal out and making him consume drugs, thereby making him habitual of intoxicants. The prosecution further alleges that thereafter the petitioner informed Karan, brother of the deceased, that the condition of Kamal had become serious and asked him to come to Ambala. Karan, accompanied by his friend Ravi, reached Ambala and allegedly found Kamal lying unconscious in the bushes, with the petitioner present nearby. Karan and Ravi thereafter took Kamal to Shahabad for treatment, from where he was referred to Civil Hospital, Kurukshetra. However, upon reaching the said hospital, Kamal was declared dead. On the basis of the subsequent complaint and the allegations that the deceased had been administered an overdose of an intoxicating substance by the petitioner, the present FIR was registered under Sections 105 and 123 BNS. The prosecution case is that the act attributed to the petitioner resulted in the death of Kamal and, therefore, the petitioner is liable for the alleged offences. The investigation was thereafter carried out and the post-mortem and other scientific material, including the viscera and blood samples, were collected for determining the cause of death.

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3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that there is an unexplained delay of more than eight days in registration of the FIR. It is submitted that the deceased had died on 13.02.2026 and, at that time, the complainant himself had stated that his son had died after consuming some medicine. The subsequent allegations regarding administration of an injection by the petitioner were introduced only on 20.02.2026 and, therefore, the prosecution version requires scrutiny during trial.

3.1 It is further submitted that there is no eye-witness to the alleged administration of any injection by the petitioner. The complainant was admittedly not present at the alleged place of occurrence and his subsequent allegation regarding the injection is not based upon his personal knowledge. There is also no independent witness who has allegedly seen the petitioner administering any intoxicating or narcotic substance to the deceased.

3.2 Learned counsel further submits that no syringe, injection, narcotic substance or any other incriminating article has been recovered from the petitioner and no CCTV footage, video recording or other electronic or scientific evidence has been collected directly connecting him with the alleged administration of the substance. The allegation that the petitioner was last seen with the deceased, even if taken at its highest, is only a circumstance and cannot by itself establish the petitioner's involvement.

3.3 It is also submitted that the prosecution case is based entirely on circumstantial evidence and the question whether the chain of circumstances is complete is a matter to be determined after evidence is led during trial. The cause of death was initially kept pending for receipt of the chemical analysis

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report, and the prosecution is yet to establish by evidence any direct nexus between the alleged act of the petitioner and the death of Kamal.

3.4 Learned counsel further submits that the petitioner has been in custody since 26.02.2026, the investigation stands completed and challan has already been presented on 18.04.2026. Nothing remains to be recovered from the petitioner and his custodial interrogation is no longer required. The charges are yet to be framed and the trial is likely to take considerable time.

3.5 It is lastly submitted that co-accused Guddi, Karnailo and Rajinder @ Jinder have already been granted the concession of bail/anticipatory bail by this Court. The petitioner is a permanent resident of District Karnal, has deep roots in society and there is no likelihood of his absconding or influencing the prosecution witnesses. On these premises, learned counsel prays for grant of regular bail to the petitioner.

4. Status report by way of affidavit of DSP, Ambala Cantt, Ambala on behalf of respondent/State has been placed on record. Custody certificate dated 09.09.2026, is furnished in Court, as per which, the petitioner has already undergone a total custody period of 06 months and 13 days.

5. Learned State counsel opposes the present petition and submits that the petitioner is specifically alleged to have taken the deceased to Ambala Cantt. and administered an intoxicating/narcotic substance to him, following which his condition deteriorated and he died. It is submitted that the petitioner was also present when the deceased was found unconscious, which is an important circumstance connecting him with the occurrence. It is further submitted that the delay in registration of the FIR cannot, at this stage, by itself discredit the prosecution version, particularly when the matter involves

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the unnatural death of the deceased and the medical and scientific evidence is yet to be tested during trial. The offence alleged is grave in nature

6. Be that as it may, as per the status report, the report of RFSL, Panchkula, in respect of the viscera of the deceased has since been received. Significantly, no poison, drug or ethyl alcohol has been detected in the viscera of the deceased. The petitioner has been implicated primarily on the allegation that he had administered/injected a narcotic or intoxicating substance into the body of the deceased, allegedly resulting in deterioration of his condition and thereafter his death. At this stage, the aforesaid scientific report does not indicate the presence of any poison, drug or ethyl alcohol in the viscera, which is a circumstance relevant for consideration of the petitioner's prayer for bail. It is further relevant that the co-accused who are alleged to have supplied the drug/substance to the petitioner have already been released on bail. The petitioner has remained in custody since 26.02.2026, the investigation stands completed and the challan has already been presented on 18.04.2026, whereas the charges are yet to be framed. The material collected during investigation, including the scientific report, is now available with the prosecution and no further custodial interrogation of the petitioner is stated to be required.

7. Reliance is placed upon the judgment of the Hon’ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently

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recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (Crl.) No. 8523/2024). In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

8. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.

2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.

3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.

4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

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6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

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

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