

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49374-2023
Reserved on: 01.09.2025
Pronounced on: 26.09.2025

MANPREET ALIAS MANI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munish Garg, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
73	11.03.2023	B-Division, Amritsar, District Amritsar	304/201 and 34 IPC, 1860

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 5 of the bail petition and para 12 of the status report, the petitioner has no criminal antecedents.
3. The facts and allegations **are** taken from the reply filed by the State, which reads as follows:

“4. That it is submitted that as per the report furnished by Station House Officer, Police Station 'B' Division, Amritsar, the facts of the aforesaid FIR are that on 10.03.2023, the information qua dead body of the deceased Sunny Mishal lying in dead house of Civil Hospital, Sangrur was received at Police Station City Sangrur. Thereupon, ASI Sukhwinder Singh along with other police officials posted P.S. City Sangrur reached the hospital. Upon examination of dead body of the deceased Sunny Mishal it was found that blood had oozed out from his nostrils and froth was coming out from his mouth, his dead body was stiff and there was no sign of any external injury on the dead body. Upon enquiry qua cause of death, the doctor informed ASI Sukhwinder Singh that the deceased Sunny Mishal had died about 8 10 hours before due to consuming some intoxicant substance. At that time, no family member of the

deceased Sunny Mishal was present at the spot and his friend Manpreet Singh @ Money (Present Petitioner) was present. Upon questioning by ASI Sukhwinder Singh, the present petitioner Manpreet Singh @ Money stated that on 09.03.2023, the deceased Sunny Mishal along with them had gone to pay homage at the Golden Temple Amritsar and in night all the friends had stayed in one room of Chaudhary Stay Home, Hotel, Amritsar. There the all the friends had consumed intoxicated substance and due to overdose of the said intoxicated substance, Sunny Mishal had died in the room of the hotel. Thereafter, in morning, they all the friends had brought dead body of the deceased Sunny Mishal to Civil Hospital, Sangrur. As no family member of the deceased Sunny Mishal was present at the spot, hence post mortem of the dead body of Sunny Mishal could not be conducted. Thereafter, Harbans Lal (father of the deceased Sunny Mishal) approached ASI Sukhwinder Singh, P.S. City Sangrur, who recorded his statement, wherein it was alleged that on 09.03.2023 at about 11 AM, his son Sunny Mishal was present at home, then his friend Manpreet Singh @ Money (Present Petitioner) called him to the market by making phone call to him. Sunny Mishal had told the complainant that his hair were falling, hence, he was going with his friend Present Petitioner Manpreet Singh @Money to Kishangarh, Jalandhar for taking treatment and the complainant had given him Rs.5,000/- for medicine. Sunny Mishal had gone alone on motorcycle from home while saying to his younger brother Babby Mishal that he would park the motorcycle at medical shop near Kohla park and would further go through bus with present petitioner for taking medicine. On 09.03.2023 itself, he (complainant) made phone call from his mobile number 94174-15XXX to Sunny Mishal's mother-in-law Paramjit Kaur R/o Kishangarh, Jalandhar and she informed that she had received phone call of Sunny Mishal who had asked his brother-in-law to give him medicine in the market, but Sunny Mishal had yet not come to their house. On the same day at about 10:30 PM, he (complainant) made phone call on mobile phone number 90416-31XXX, who attended the call and he asked him (complainant) to make video call. Thereupon, he (complainant) made video call to his son Sunny Mishal who showed him gurudwara sahib. On the same night, the mobile phone of Sunny Mishal was switched off at about 11:30 PM. Thereafter, on 10.3.2023, the complainant made phone call on mobile phone number 86999-88XXX of the present petitioner Manpreet Singh @Money, but he did not attend the phone call despite giving repeated calls. The complainant again made phone calls on mobile phone of Sunny Mishal at 11AM, but it was not attended by anyone and it was again switched off. Thereafter, at about 2 PM, he (complainant) had gone to the house of the present petitioner and his mother Pinky informed that the petitioner Manpreet Singh @ Money had gone to Chandigarh but did not return. On

10.03.2023 at about 3PM, his (complainant) younger son Babby Mishal made phone call to the petitioner who attended the call, however he did not speak and also did not disconnect the call, due to which it was recorded in the phone of Babby Mishal. Thereafter, he (complainant) made phone call to mother of the petitioner, who informed that her son had talked to his father and he would come back in evening. On 10.03.2023 at about 4:30 PM, he (complainant) had gone to meet father of the present petitioner namely Gurmej Singh who made phone call to the present petitioner and the present petitioner told him that he would talk later on. Thereafter, he (complainant), his brothers and persons of his locality had gone to the Police Station City Sangrur. At that time, Gurmej Singh (father of the petitioner) made phone call to the petitioner. Then, he told the complainant that his son Sunny had received some fit, but was well and they had come to Badhni Kalan who would reached Sangrur Hospital within one hour. Thereafter, they all reached Sangrur Hospital. After 15 minutes, one car Mahindrea Marazzo No. PB-02-C-7201 came to the hospital. The present petitioner Manpreet Singh @ Money, Rattan @ Channi S/o Inderjit Sharma, driver Gurpreet Singh and another person namely Navdeep Singh @ Jimmy R/o Badbar came out of the car. His (complainant) son Sunny Mishal was lying on back seat of the car, his face and neck were swollen. The complainant asked the petitioner Manpreet Singh @ Money, Channi and drive of the car what had happened to Sunny Mishal then they told that he had become blue and Channi ran away from the spot. **The complainant took Sunny Mishal inside on stretcher and the doctor told that he had died about 11 hours ago.** The doctor kept the dead body in morgue. The complainant further alleged that he had suspicion that the associates of his son Sunny Mishal i.e. petitioner Manpreet Singh @ Money and others have killed his son on the night of 09-10.3.2023 at Chaudhary Home Stay Hotel, Amritsar by giving him some intoxicant substance in excess quantity. As the place of occurrence i.e. Chaudhary Home Stay Hotel, Amritsar falls in the jurisdiction of Police Station B- Division, Commissionerate Amritsar, hence, zero FIR dated 11.03.2023 under Section 304, 34 IPC was registered at Police Station City Sangrur by ASI Sukhwinder Singh. and post mortem of the dead body of the deceased Sunny Mishal was conducted at Civil Hospital, Sangrur. The doctor sent viscera of the deceased to Chemical Examiner, Kharar. The above said Zero FIR was sent to Police Station B- Division, Commissionerate, Amritsar for investigation. Thereupon, the present FIR No. 73 dated 11.3.2023, under Section 304, 34 IPC, P.S. B-Division, Amritsar was registered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the

petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Special Judge or Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to para 5 to 7 of the reply, which read as follows:

*5. That it is submitted that during the course of investigation of the aforesaid case FIR No. 73/2023 (supra), the documents prepared during investigation of the aforesaid Zero FIR dated 11.3.2023 by the Investigating Officer, were taken into police possession and statements of the witnesses were recorded under Section 161 Cr.P.C. **The petitioner Manpreet Singh @ Money was arrested in this case on 11.03.2023.***

6. That it is submitted that during custodial interrogation, the petitioner Manpreet Singh @ Money suffered disclosure statement before the Investigating Officer that "on 09.03.2023, he (petitioner) along with the deceased Sunny Mishal, Rattan @ Channi and Kala Brar R/o Moga known of Sunny Mishal had gone to the Golden Temple, Amritsar and thereafter, they had stayed in room No. 8 of Chaudhary Home Stay Guest House, gali Uthan wali, chowk Pragdass, Amritsar. There they all consumed intoxicated substance and Sunny Mishal died due to overdose of the said intoxicated substance. Thereupon, the petitioner called his friend Gurpreet Singh @Gopa S/o Gurcharan Singh R/o Badbar who came on his car Mahindera Marazzo No. PB-02-C-7201 and they all took dead of the deceased Sunny Mishal in this car to Moga. There, Kala Brar left their company and Navdeep Singh @ Jimmy accompanied them to Civil Hospital, Sangrur".

7. That it is submitted that on the basis of the disclosure statement of the present petitioner Manpreet Singh @ Money, the aforesaid persons Gurpreet Singh @ Gopa, Navdeep Singh @ Jimmy, Harwinder Sharma @ Channi and Kala Brar were also nominated as accused in this case. The present petitioner Manpreet Singh @ Money was produced before the learned Court of competent jurisdiction; his police remand was granted by the Learned Court. After completion of police remand, he was again produced before the learned Court and sent to judicial custody."

REASONING:

7. A perusal of the reply and the pleadings points out that the cause of death was a drug overdose. At this stage, it is difficult to point out whether the petitioner forcibly administered an overdose of the drug to the deceased or if the deceased had taken it on his own.

8. The possibility that the deceased consumed an unadulterated or less adulterated drug can also not be ruled out. It is a ground reality that the drugs are often adulterated, and mostly the margin is the adulteration itself. However, sometimes a person might get a pure or mildly adulterated drug and consume the amount to which the addict is dependent, and on consuming more than the tolerance quantity, the possibility of such a person having an adverse influence on their health would always be there.

9. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

10. Per the custody certificate dated 30.08.2025, the petitioner's total custody in this FIR is 02 years, 05 months, and 15 days, i.e., as on the date, around two years and six months.

11. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

12. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

13. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

14. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

15. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

16. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

17. This order is subject to the petitioner's complying with the following terms.

18. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence,

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI*, [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

19. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

20. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

21. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

22. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves

for deletion or dilution of any bail conditions, the trial court is empowered to do so.

23. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

24. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the Special Judge/ Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

25. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

26. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

27. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.09.2025
Renubala/Anju Saini

Whether speaking/reasoned: Yes
Whether reportable: YES.