

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56513-2024
Reserved on: 16.12.2024
Pronounced on: 19.12.2024

Karanbir Singh @ Karan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S. Batth, Advocate,
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Sarabjit Singh, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
81	27.10.2024	Tarsikka, Distt. Amritsar, Punjab	105, 3 (5) BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply dated 10.12.2024 filed by the State, which reads as follows:

“2. That the brief and relevant facts of the case are that the aforesaid case FIR No.81 dated 27.10.2024 was registered on the basis of statement of Dalbir Singh son of Mehnga Singh, who had alleged therein that on 26.10.2024 at about 09:00 AM, he and his grandson Warispreet Singh was present at their house and Gurjant Singh alias Janta, Karan Singh (petitioner) and Lakha Singh came at his house and took his grandson Warispreet Singh with him and when his grandson Warispreet Singh did not return till late night he and his nephew Narinder Singh reached Bus

Stop Government School, Gehri Road to search his grandson, where he came to know that his grandson Warispreet Singh and Gurjant Singh had gone on motorcycle No.PB09-W-8670 and co-accused Lakha Singh had gone on Ford Tractor-3600 and Karan Singh (petitioner) was accompanying Lakha Singh on tractor towards Gehri side, whereupon he and his nephew went towards Gehri side and when they crossed some distance from Dashmesh Nagar, they saw Gurjant Singh was riding the motorcycle and his grandson Warispreet Singh was a pillion rider and co-accused Lakha Singh did a stunt by lifting the front portion of tractor in air and in the meantime Gurjant Singh applied the brakes of motorcycle and the front portion of the tractor fell upon his grandson Warispreet Singh, which resulted in serious injuries on Warispreet Singh and he (Warispreet Singh) succumbed to his injuries on the way to hospital. xxx xxx”

4. The petitioner’s counsel argued that the deceased and his friend were doing stunts on a bike and had friendly relations. He further argued that the petitioner Karanbir was not driving the Tractor, but Lakhbir was doing the stunts.

5. 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 his family.

6. The State’s counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“5. That the investigating officer also took the test report from Head Mechanic, Amritsar (Rural) relating to the tractor which was used by the petitioner and co-accused Lakha Singh in performing stunts and it was reported by the Head Mechanic, Amritsar (Rural) that the Diesel Pump of tractor was changed and Turbo pump was extra fitted on the tractor to increase the acceleration of the tractor and changes were made in gearbox of the tractor.

Role of the petitioner

6. That as per the version of the complainant Dalbir Singh, the petitioner after sharing common intention with the other nominated co-accused Lakha Singh and Gurjant Singh performed the stunt on Ford Tractor driven by Lakha Singh and the petitioner was seating on mud guard of the tractor and while performing a stunt the tractor fall upon his grandson

Warispreet Singh, resulting into death of Warispreet Singh.

Evidence against the petitioner

7. That the evidence against the petitioner is in the form of oral statement of the complainant Dalbir Singh recorded under section 161 Cr.P.C. by the investigating officer, which is corroborated with the Post-Mortem report of Warispreet Singh.”

8. A perusal of the reply reveals that Karanbir was not driving the Tractor but was sitting on the mudguard, and it was the main accused, Lakhbir, who was driving the Tractor and doing the stunts.
9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
10. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage. 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.
11. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.
12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
13. 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)	
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14. This order is subject to the petitioner’s complying with the following terms.

15. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. 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, 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.

17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may

download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

19.12.2024
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.