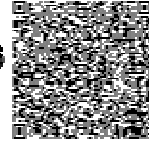


CRM-M-1851-2025

2025:PHHC:145716



209

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1851-2025

Date of decision: October 27, 2025

Kulbir Singh Sarao

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Navdeep Singh, Advocate and
Mr. Rudra Sharma, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.36 dated 21.02.2023, registered for the offences punishable under Sections 304, 341, 427, 423, 481 & 149 of the Indian Penal Code, 1860 (for short 'IPC') (Section 302 of IPC added later on), registered at Police Post Majat Police Station Sadar Kharar, District SAS Nagar (Mohali), Punjab.

2. The gravamen of the FIR in question is that complainant, namely, Charanjit Singh, stated that in the intervening night of 14/15.02.2022, at about 12:00 midnight to 12:30 AM, his nephew Akashdeep Singh informed him telephonically that he and Babanpreet Singh were returning from Chandigarh in their Baleno car bearing registration number PB-23-Z-5367. When they were about to get over the Desu Majra flyover, some boys in another Baleno car hit

CRM-M-1851-2025

their vehicle and attacked both Akashdeep Singh and Babanpreet Singh. These boys were armed with deadly weapons and had encircled them. After receiving the call, the complainant, along with his brother, namely, Jasvir Singh, immediately went towards Desu Majra cut near the flyover, where they met Akashdeep Singh. He informed them that Babanpreet Singh had been taken to Max Hospital, Phase-6, Mohali. They rushed to the hospital, where the doctor informed that Babanpreet Singh had succumbed to his injuries. Proceedings under Section 174 of the Code of Criminal Procedure (Cr.P.C.) were initiated by the police based on the statement of Akashdeep Singh. Later, Akashdeep Singh further informed that on the night of 14.02.2022, he and Babanpreet Singh had gone to PARA Club, near Alto Mall, Chandigarh. At the club, a quarrel and scuffle took place between them and the accused persons Sagar Nahar, Parminder Singh, Kulbir Sarao (*petitioner herein*), Prince, and 4–5 other unidentified individuals. After this altercation, these accused persons followed their Baleno car. When Akashdeep Singh and Babanpreet Singh were about to cross the Desu Majra flyover from the slip road, the accused deliberately hit their car from the side, causing significant damage. Thereafter, the accused stopped and encircled their vehicle. They alighted from their car, forcibly opened the front window of Akashdeep Singh's car, and dragged Babanpreet Singh out. The accused then started assaulting both Akashdeep Singh and Babanpreet Singh. When they were about to kill Babanpreet Singh, he tried to escape and ran to the other side of the road to save himself. The accused chased him and, upon pushing him violently, caused him to collide with a Himachal Roadways bus bearing registration number HP-53-B-7401 coming from the opposite direction. The deceased struck the bus and sustained a severe head injury. The bus driver, Arun Singh, stopped the bus and came out, upon which the assailants fled from the spot in their car. As a result of the injuries sustained

CRM-M-1851-2025

during the assault and subsequent collision, Babanpreet Singh died. His death occurred due to the beatings and violent acts committed by the aforementioned accused persons, who forced him into the path of the bus while he was trying to escape from them.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 05.03.2023. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has also iterated that assuming *arguendo*, the prosecution version is taken to be correct, offence under Section 302 of IPC is not made out and at the most, it could be an offence under Section 304 of IPC. In this regard, learned counsel relies upon paragraph-13 of the status report by way of an affidavit dated 18.03.2025; relevant whereof reads thus:

“13. That perusal of the FIR shows that there are specific allegations that the present petitioner along with other co-accused after alighting from their car pulled the deceased Babanpreet Singh from his car by opening the front side window. Thereafter, they started beating him and when they were about to kill Babanpreet Singh, then Babanpreet Singh started running on the other side of the road for saving himself from the petitioner and other co-accused and all the accused started following Babanpreet Singh. When all the accused including the present petitioner pushed Babanpreet Singh, as a result of this push, Babanpreet Singh collided on the other side of the divider with Himachal Roadways Government bus and the head of the deceased Babanpreet Singh hit with aforesaid bus. When the bus driver alighted from the bus after stopping the same then all the accused including the petitioner ran away from the spot in their car. Hence, Babanpreet Singh died on account of the aforesaid beatings given to him by the petitioner and other co-accused who had forced him to collide with the aforesaid Himachal Roadways bus, while he was attempting to save himself from them.”

Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 24.10.2025 in the Court today, which is taken on record.

CRM-M-1851-2025

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 05.03.2023 whereinafter investigation was carried out and challan *qua* him has been presented on 21.07.2023. It is not in dispute that out of total 48 prosecution witnesses cited, none has been examined till date. It is thus, indubitable that conclusion of the trial will take long time. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 24.10.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 years, 07 months and 16 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

CRM-M-1851-2025

- (v) The petitioner shall deposit his passport, if any, with the trial Court.
 - (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
 - (vii) The petitioner shall not in any manner try to delay the trial.
8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

October 27, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No