



CRM-M-2454-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2454-2025
Date of Decision: 30.01.2025

Dharampal Guleria ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S. Rai, Sr. Advocate with
Mr. Farhad Kohli, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

Ms. Vibhuti Narania, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
360	16.12.2024	Division 7, District Police Commissionerate Ludhiana	105, 238, 61 of BNS and 75 of Juvenile Justice (Care and Protection of Children) Act, 2015

1. The petitioner incarcerated in the FIR captioned above has come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by State counsel, which reads as follows:-

“4. That in fact, on 16.12.2024, a ruqa was received in the Police Station from Fortis Hospital, Ludhiana and on receipt of ruqa, the IO/SI Sukhwinder Singh No.2510/Ldh immediately went to Fortis Hospital, Ludhiana where the complainant met to the IO and he got recorded his statement. Accordingly, on the basis of statement of complainant, initially the FIR was registered U/s 281, 106 of BNS 2023, against the petitioner as well as co-accused Simranjit Singh (Driver) and School Management and criminal law was swung into motion. However, in the evening on



CRM-M-2454-2025

16.12.2024 itself, the complainant produced his typed supplementary statement before the IO and on the basis of said supplementary statement, offence U/s 105, 238 and 61 of BNS 2023 were added and Offence U/s 281 and 106 of BNS 2023 were deleted vide GD No.36 dated 16.12.2024.

5. That after registration of FIR, the school bus bearing Registration No. PB-10FB-8101 was taken into police possession and the driver Simranjit Singh was arrested on 16.12.2024 and he was produced before the Id. Magistrate on 17.12.2024 and he was sent on two days police remand. During police remand, the co-accused Simranjit Singh suffered disclosure statement on 19.12.2024 that he is having LMV Licence and his owner is well aware about this fact. He also admitted that there are about 32 seats in the bus but they usually boarded 40/45 students in the bus. The co-accused Simranjit Singh also stated that there was neither any conductor nor any lady attendant present in the bus at the time of incident. He also confessed that when the girl Amayra was alighting from his bus, then under the impression that she had alighted from the bus and he drove the bus but the head of girl Amayra came under the front type of bus. After police remand, co-accused Simranjit Singh (Driver) was produced before the Id. Magistrate on 19.12.2024 and he was again sent on one day police remand. Thereafter, he was produced before the Id. Magistrate on 20.12.2024 and he was sent to judicial custody.

6. That it is relevant to mention here that the FSL team visited the spot of incident on 17.12.2024 and took the blood samples, which were taken into police possession. One blood-stained Pillow cover and towel were taken into police possession from the Medical Room of the school.

7. That on 17.12.2024, three DVR of CCTV installed in the school were taken into police possession. On 17.12.2024, the complainant also submitted the statements of (i) Harry son of Ashwani Kumar (ii) Kunal Dhingra son of Munihar Dhingra and (iii) Anish Mehra son of Tilak Raj Mehra, who are eye witness of incident and the same were taken into police possession. On 18.12.2024, the IO moved an application to the RTO Ludhiana for obtaining the guidelines issued by the Secretary, Transport Department, Punjab, which were supplied on the same day and the same were taken into police possession.”

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 State's counsel opposes bail.

6. It shall be appropriate to refer to relevant portion of status report, which reads as follows:-

(A) ROLE OF PETITIONER:-

i) Petitioner is the Principal of BCM School, in whose premises the daughter of complainant namely Amayra, aged 7 years, had died on 16.12.2024.



CRM-M-2454-2025

(B) EVIDENCE AGAINST THE PETITIONER:-

i) In the video, some school children are shown taking the daughter of complainant inside the school building and the school authorities are attempting to clean up blood from the premises and tampering with the video footage to falsely suggest that the incident occurred outside the school premises, on the road.

ii) From the statement of Ashish Mehra under Section 180 of the BNS Act, it is clear that he had seen the petitioner scolding a female staff member for not properly cleaning blood stains and upon noticing him, the petitioner took the staff member aside.

iii) Harry, another individual who provided a statement under Section 180 of the BNS Act, has stated that his child studies at the school and he had previously warned the petitioner about the risks of having only one gate for both children and buses, but the petitioner took the concern casually and paid no heed to it.

iv) There are also allegations against the petitioner of tampering with the hard drive containing the CCTV footage of the incident.”

7. 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.

8. Per paragraph 5.10 of the bail petition, the petitioner has been in custody since 21.12.2024.

9. Given 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.

10. 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.

11. 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.

12. Given 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/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.



CRM-M-2454-2025

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

.	AADHAR number	
	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)	

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

15. 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.

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

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

30.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.