



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221-1

CRM-M-1942-2025
Date of Decision: 03.04.2025

Sukhdev Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Ravinder Kaur, Advocate for
Mr. Gurcharan Dass, Advocate for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

Ms. Vibhuti Narania, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
360	16.12.2024	Division No.7, Ludhiana	281, 106 of BNS (Sections 105, 238, 61 of BNS and 75 of Juvenile Justice Act added later on)

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 19 (a) of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“Statement of Anurag Sood son of Ashwani Sood, resident of house no.53, Street no. Phase 3, GK Estate, Sundar Nagar, Ludhiana aged about 34 years mobile no. 80540-xxxxx. Stated that I am resident of the aforesaid address and am working as Principal in RND Centre, Focal Point and I have one daughter namely Amarya Sood who is aged about 7 years, her date of birth being 16.05.2018 and is studying in 1" class in BCM School, Sector 32-A, who is being taken in the morning in vehicle no. PB10-EV-8101, which is being driven by Simranjit Singh. At the time of admission of child in the school a form was filled in which name of owner of the bus



was told as Surinder Singh. Today i.e. on 16.12.2024 in the morning, my daughter Amarya was taken by driver of the bus for school at about 7:50 AM and I received a phone call from the Principal of the school at 8:30 AM, that accident of your child has taken place and your daughter Amarya had come under the front wheel of the school van and now I have come to know that the aforesaid accident has taken place due to negligence/carelessness of driver Simranjit Singh and also due to lack of proper management and carelessness of the school and of school Principal DP Guleria. So you are request to take requisite legal action against the driver of the school van and school management and principal of school namely DP Guleria. I have got recorded my statement to you which I have read, heard and is correct. xxx”

4. The petitioner’s counsel submits that neither the petitioner has been named in the FIR nor he has played any role in the alleged commission of the crime.
5. Counsel for the petitioner voluntarily submits that in future the petitioner undertakes he will not keep any employee as a driver unless he is fully satisfied with his driving skills and that person does not indulge in alcohol or drugs.
6. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
7. The State as well as counsel for the complainant opposes bail and refers to the status report.
8. It would be appropriate to refer to the following portions of the status report, which read as follows:

“22. A Role of petitioner

- (i) Petitioner is owner of the offending Bus No.PB-10-FV-8101.*
- (ii) Petitioner has authorized the Conductor Simranjit Singh to drove the bus in question.*
- (iii) Due to act of the petitioner, incompetent and ineligible person i.e. co-accused Simranjit Singh drove the bus, resultantly, the girl, aged 7 years, has died.*

B Evidence against the petitioner

- (i) Disclosure statement of co-accused Simranjit Singh.”*

REASONING:

9. The allegations against the petitioner are that he was owner of the school bus



while bus was driven by co-accused Simranjeet Singh. Petitioner was not named in the FIR, however, his name was surfaced on the basis of disclosure statement of co-accused. Given the undertaking made by counsel for the petitioner that he will not keep any employee as a driver unless he is fully satisfied with his driving skills and that person does not indulge in alcohol or drugs, as such, he is entitled to bail.

10. 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.

11. 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.

12. 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.

13. 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 Ilaka 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.

14. 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)	

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

16. 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.

17. 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.

18. 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.

19. 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.

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

21. 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.

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

(ANOOP CHITKARA)
JUDGE

03.04.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.