



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

109+232

CRM-M-6690-2025 (O&M)
Decided on : 14.05.2025

Parwinder Singh and another

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate,
Mr. Joban Singh Dhaliwal, Advocate and
Mr. Gurjas Gill, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

Mr. Anish Verma, Advocate and
Mr. Mukesh K. Sharma, Advocate
for the complainant/victim – Sunita.

Ms. Puja Chopra, Advocate
for the complainant/victim – Ashish.

SANJAY VASHISTH, J. (Oral)**CRM-19748-2025**

I. This is an application filed u/s 528 of BNSS, 2023, for placing on record the copy of sale-deed dated 21.05.2021, Jamabandi 2020-2021 and MSME Registration Certificate (Annexures P-5 to P-7).

II. Allowed as prayed for. Documents, as Annexures P-5 to P-7 filed along with application are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

III. CRM stands disposed of.

IV. The documents appended along with application as Annexures P-5 to P-7 have already been supplied to counsel for the opposite side.



CRM-M-6690-2025

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Parwinder Singh, Gagandeep Singh	359	21.12.2024	105 of BNS, 2023	Sohana	SAS Nagar Mohali

2. Learned Senior Counsel for the petitioners argues that even if the allegations are taken to be correct on their face value, it can, at best, be alleged to be a rash and negligent act, but not one committed with an intent to cause death or with the knowledge thereof. Therefore, the invocation of Section 105 of the BNS, 2023, would be a moot question before the trial Court, to be determined after the evidence is adduced. The entire allegation against the petitioners, for which the present FIR has been registered under Section 105 of BNS, 2023, is based on the claim that due care and caution was not taken while digging the basement at the adjoining plot of the building.

3. Learned Senior Counsel contends that no person would ever think of collapsing of his own building, and the building in question was the only source of earning the livelihood for the petitioners and their family members, as the gym was being operated therein. In fact, petitioners themselves have suffered a huge loss to the tune of approximately Rs.60.00 lakhs.

Further contends that despite addressing of complaints regarding the repair and leakage of the sewerage pipes, no effective steps



were taken by the Municipal Authorities.

4. Lastly, learned Senior Counsel submits that, realizing the loss suffered by the families of both the deceased persons, and to show their *bona fide*, petitioners undertake to deposit, at the first instance, an amount of Rs.5.00 lakhs each with the trial Court in favour of the parents of both the deceased, i.e., Abhishek and Dristi (Rs.10.00 lakhs in total) towards the compensation for the loss suffered by them.

It is further submitted that there would be no objection if any such application is moved by the parents of the deceased for the release of the said amount in their favour.

5. While opposing the contention, learned State Counsel submits that due to the rash and negligent act of the petitioners, two persons lost their lives and their family members have also lost the support, who used to earn their livelihood. Hence, it is submitted that the petitioners are not entitled to be released on regular bail.

6. Counsel appearing on behalf of the complainants also opposes the prayer for grant of regular bail to the petitioners. However, they submit that the family members are entitled to reasonable amount of compensation as well, on higher side.

7. Looking at the circumstances under which the two persons lost their lives and the consequent registration of the present case against the petitioners, and also taking note of the submissions addressed and recorded here above, I deem it appropriate to consider the petitioners' plea for grant of bail.

8. Undoubtedly, whether the offence involves element of intended criminality or not, would be a moot question before the trial Court, and same



is to be decided after examining the complete set of evidence, which is yet to be adduced by the prosecution.

9. Consequently, without making any comments over the merits of the case, the prayer for bail of the petitioners is **allowed**. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the aforementioned relief shall be subject to the deposit of Rs.5.00 lakh, *qua*, each of the deceased, before the trial Court.

The said amount shall be disbursed to the parents of both the deceased after issuance of notice to them or on moving an application by them. However, it is made clear that the right of adequate compensation, if any, exists in accordance with law, to the victims/parents of both the deceased, will not get prejudiced with the amount offered by the petitioners.

10. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made here-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

May 14, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No