

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

CRM-M-11894-2025 (O&M)
Date of Decision : 19-05-2025

.....Petitioner(s)

Versus

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. Jasdev Singh, AAG, Punjab.

Mr. Vibhuti Narania, Advocate for the complainant.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
360	16.12.2024	Division No.7, Ludhina	281, 106 BNS (Sections 105, 238, 61 BNS and 75 Juvenile Justice Act, 2015 added later on).

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per custody certificate, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of the FIR, 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. 80546-00960. 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 1st 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.”

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. Learned counsel for the petitioner respectfully submits that the petitioner is a skilled driver who is in custody for over five months. He belongs to a poor family and is the sole breadwinner of his family, and his continued incarceration has caused immense financial hardship to his dependents. It is further submitted that the petitioner had no intention of committing the alleged offence; the incident was purely unfortunate and unintended. The complainant is a person of considerable influence, and it appears that the petitioner has been falsely implicated in order to appease public sentiment and pressure.

5. The State's counsel opposes bail and refers to the reply.

6. Counsel for the complainant submits that the petitioner was not having a valid driving licence.

7. Upon this, counsel for the petitioner submits that, without admitting or conceding anything on merits, the alleged accident was purely unintentional. The petitioner is a competent and experienced driver, having driven vehicles for several lakhs of kilometers without ever being involved in any prior accident.

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

“(A) ROLE OF PETITIONER:-

- i) Petitioner is driver of the offending Bus No. PB-10- FV-8101.
- ii) Petitioner drove the bus, resultantly, the girl, aged 7 years, has died.”

REASONING:

9. 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. Per paragraph 3 of the bail petition, the petitioner has been in custody since 19.12.2024. Per the custody certificate dated 14.5.2025, the petitioner's total custody in this FIR is 4 months and 24 days. 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. 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.

11. 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.

12. 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)	

13. This order is subject to the petitioner’s complying with the following terms.

14. 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.

15. 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.

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

17. 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.

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

19-05-2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO