



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
221

CRM-M-12585-2025 (O&M)
Date of decision: 21.05.2025

Amit Singh @ Jaspreet Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. M.S. Uppal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. H.S. Sitta, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.73 dated 03.08.2024 registered under Sections 105/281/324(4) of BNS, 2023 at Police Station Phase 8, S.A.S. Nagar.
2. As per the prosecution's case, the FIR (supra) has been registered on the basis of statement suffered by Tajinder Pal Singh, interalia, alleging that he is a retired employee from PUDA. On 03.08.2024 at about 3:20 A.M, he received a call on his mobile phone asking about his relationship with Ranjit Singh, where upon, he informed the caller that Ranjit Singh is his younger brother. He was informed that Ranjit Singh had met with an accident at the light point of Phase 7, Mohali. He alongwith his daughter rushed there, when he



reached at Light point of Phase 7, he found a Brezza car bearing no. PB-19R-5500 had dashed against the Activa Scooter of his younger brother with considerable force and had dragged the Activa scooter along with his younger brother to a distance about 100 meters. The public gathered at the spot informed him that offending Car stopped on its own as its engine got shut down and driver did not halt the Car. The aforesaid fact was disclosed to him by Vinay Kumar. A CCTV footage of the occurrence was also obtained from CCTV camera installed at the spot. In this CCTV footage, it is shown that the offending Car is occupied by young boys and girls. The driver of Car dashed against the scooter and dragged it. After the Car stopped, its occupants ran in confusion.

3. Learned counsel for the petitioner *inter alia* contends that the perusal of the post-mortem report clearly indicates that the death of deceased occurred due to accident. Admittedly, the petitioner was not having any acquaintance or connection with the deceased prior to the alleged incident. Further, there is no *mens rea*, which could make the petitioner liable for the offence under Section 105 of BNS, 2023. The petitioner is a young boy of 22 years of age and is having clean antecedents. The prosecution has examined 03 witnesses and as per their depositions, the petitioner had stopped his car at the red light and when the traffic light turned green, suddenly the deceased came in front of the car, which was driven by the petitioner. At the most, the case, even if the allegations are accepted as gospel truth, would be under Section 106 of BNS, 2023 (erstwhile Section 304-A IPC), which is



bailable in nature. Further, the investigation of the case is complete and the petitioner has suffered the incarceration of 08 months and is not involved in any other case.

4. Learned counsel for the petitioner further submits that there are total 21 prosecution witnesses cited in the list of witnesses, out of which, 03 PWs have been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has filed custody certificate today in the Court which is taken on record and they vehemently oppose the prayer made by learned counsel for the petitioner on the ground that the facts of the case clearly make out a case under Section 105 of BNS, 2023 as the petitioner after hitting the deceased with his vehicle has dragged him for more than 100 meters and he stopped his car only when its engine was stopped and thereafter, ran away from the spot. The nature of the injuries, clearly reflects the petitioner's knowledge and intent, thereby attracting the offence under Section 105 of the BNS, 2023.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 08 months. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 21 prosecution witnesses, 03 PWs have been examined so far.



7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Amit Singh @ Jaspreet Singh is ordered to be



released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

21.05.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No