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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24124-2025

Reserved on: 01.08.2025

Pronounced on: 19.08.2025

ASHWANI KUMAR ALIAS RAVI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.S.Cheema, Sr. Advocate with
Mr. R.K. Trikha, Advocate and
Mr. Satish Sharma, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
150	24.09.2024	Garshankar, District Hoshiarpur	105/3(5) BNS, 2023 (in which Section 105 BNS deleted and Section 106 BNS added during investigation)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 16 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That it is respectfully submitted that the case/FIR No.150 (supra) was registered on the basis of statement of Balram Singh @ Pammu son of Kishori Lal resident of village Mawan, PS Nurpur Bedi, District Rupnagar in which he stated that in the year 2023, He got married to Pooja Devi daughter of Charan Dass. Thereafter, she got pregnant. On 14.07.2024, when she was 7th month pregnant, she went to her parental house and her brother Narinder Kumar started her treatment from Dr. Ashwani Kumar of Parkash Hospital, Jhnowal. On 17.09.2024, complainant along with Narinder Kumar had taken Pooja to said hospital where Dr. Ashwani Kumar (Petitioner) told them to wait for two more days and told that there are chances of major operation of his wife. On 20.09.2024, complainant along with his wife and Narinder Kumar and other family members came to

hospital, where Dr. Ashwani Kumar admitted his wife and told them that first they will try for normal delivery of his wife Pooja and if normal delivery is not successful, then the child will be delivered by a major operation. On 21.09.2024, Pooja gave birth to baby boy by operation. After delivery, the health of child deteriorating and he was put on ventilator machine. After delivery, the health of Pooja also began deteriorating. On 21.09.2024, the new born baby was referred to Sh. Krishna Charitable Hospital, Una. On 22.09.2024, at about 12:00 noon, Dr. Ashwani Kumar referred Pooja to Gurdev Hospital, Nurpur Bedi without informing the family members of Pooja. From there, she was referred to PGI, Chandigarh. On 22.09.2024, at about 04:05 AM, when they reached PGI, Chandigarh, attending doctor declared her dead. On 23.09.2024, his newly born son was referred to PGI, Chandigarh from Sh. Krishna Charitable Hospital, where during treatment, he also died. The complainant further stated that the death of his wife and new born child was caused by Dr. Ashwani Kumar due to his negligence and non-treatment and prayed that strict action should be taken against him. On the basis of this statement of complainant, present case was registered against the accused- Petitioner.”

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He is not a doctor and is only managing administrative affairs of the hospital. The petitioner's counsel prays for bail by imposing any stringent conditions. In case, he repeats the offence, where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. Learned Senior counsel further submits that offence under Section 105 of BNS has been deleted and Section 106 of BNS has been added, further refer Annexures P-2 and P-3 to demonstrate that petitioner is owner of hospital and well qualified doctors are there to treat patients. He further submits that he only manages the affairs of the hospital and treatment are done by doctors, moreover, complainant has resile from his statement before trial Court and refer statement dated 30.07.2025.

6. The State's counsel opposes bail and refers reply.

REASONING:

7. The death of the wife and son of the complainant was not intentional but after delivery of baby, mother and son's health were deteriorated which resulted into death. Perusal of the pleading refers that petitioner was not a treating doctor, only there is averments that he asked the victim's family to come after two days for surgery. Now, the star witness of the prosecution i.e. complainant turned hostile. As such, no ground for further pre-trial in custody is made out. Thus, there is no justification to deny bail. 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 15 of the bail petition, the petitioner has been in custody since 28.09.2024. Per the custody certificate dated 30.07.2025, the petitioner’s total custody in this FIR is 09 months and 27 days.

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

19.08.2025
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Whether speaking/reasoned:	Yes
Whether reportable:	No.