

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23730-2025
Reserved on: 08.09.2025
Pronounced on: 16.09.2025

Rahul Mahajan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Viren Sibal, Advocate and
Mr. Satyam Sharda, Advocate,
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

Mr. R.K. Ayer, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
52	30.10.2024	Behrampur, Distt. Gurdaspur, Punjab	281, 106, 324(4) and 105, 249 of BNS enhanced and offence u/s 106 BNS was deleted 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. As per paragraph 11 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“4. That FIR bearing No. 52 dated 30.10.2024 under 281, 106, 324(4) BNS was registered at PS Behrampur District Gurdaspur
That the brief fact of the case are that Rajinder Kumar son of Baldev Raj Resident of Raypur Police Station Behrampur aged around 57 years, Phone Number 94648-xxxx, Stated that I am resident of above-mentioned address and I am retired from Army. Today on dated 30.10.2024 I along with my sister-in-law Krishna Kumari wife of Sohanlal and my granddaughter Arabia Saini age 8 daughter Lakhwinder Saini residents of Raypur had come to drop them till school bus. Krisna Kumari and Arabia sat on a chair placed in the Bus Stand waiting for the Bus, and I stood on the other side of the road. Time would be around 07-50 hrs. in the morning that a speeding Creta car came from Dinanagar side and hit my sister-in-law Krishna Kumari and Arabia who were sitting on a chair and the*

vehicle dragged my sister-in-law Krishna and granddaughter Arabia away and she was at such a high speed that the driver had no control and it overturned. I with the help of people started taking care of my sister-in-law Krishna Kumari and granddaughter Arabia and the driver left the vehicle on the spot and ran away. My sister-in-law Krishna Kumari aged around 70 years died on the spot and left leg of my granddaughter Arabia got completely damaged. Still not believing, I admitted Krishna Kumari and Arabia to S.K.R. Hospital Pathankot with the help of my family. Where the Doctor declared Krishna Kumari as dead and admitted the girl Arabia. It has also been found that Sudha Dogra wife of Abhinav Sharma has died in this accident and her scooter TVS Jupiter No. PB06 AN 7733 is also heavily damaged. The vehicle Careta which caused this accident Black coloured bearing No. PB35AJ9000, driver of which after causing accident has fled from the spot. The driver has killed Krishna Kumari and Sudha Dogra by driving recklessly and at high speed. Now it has come to know that the girl Arabia has also died during undergoing treatment. I along with Abhinav Sharma son of Vipan Sharma resident of Isapur was going to inform the Police, therefore action may be initiated.”

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 his family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The counsel for the complainant opposes bail.

7. The State's counsel opposes bail and refers to the status report.

8. It would be appropriate to refer to the following portions of the status report, which reads as follows:

“12. E. The Evidence against the Petitioner

That Rajinder Kumar son of Baldev Raj Resident of Raipur Police Station Behrampur has given statement (content of FIR) that the petitioner had killed Krishna Kumari and Sudha Dogra and Aarvi Saini while driving his car in a fast and negligent manner intentionally and also there are 20 witnesses in the present FIR yet to be examined

F. The Role of the Petitioner

The vehicle Careta which was driven by Rahul Mahajan (Petitioner) having caused accident Black coloured bearing No. PB35AJ9000, which caused accident and death has fled from the spot. That 3 people have died by driving recklessly and at high speed.”

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.

10. As per paragraph 12 of the bail petition, the petitioner has been in custody since 11.12.2024. As per the custody certificate dated 06.09.2025, the petitioner's total custody in this FIR is 08 months and 24 days.

11. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

12. Given the above, 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.

13. 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.

14. Given the 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

¹Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

²Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in *SiddharamSatlingappaMhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in *Babu Singh &ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

15. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

16. 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)	

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

18. 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.

19. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

20. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

21. Any observation made hereinabove is neither an expression of opinion on the

case's merits nor shall the trial Court advert to these comments.

22. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)
JUDGE

16.09.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.