

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26345-2025

Reserved on: 18th August, 2025

Pronounced on: 21st August, 2025

Himanshu Verma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Dassaur, Advocate for the petitioner.

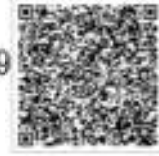
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Complainant in person.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 97 dated 21.04.2025 registered under Sections 281 and 105 of BNS (earlier registered under Section 106(2) of BNS and later on Section 106(2) deleted and Section 105 added) at Police Station Rama Mandi, District Police Commissionerate Jalandhar.

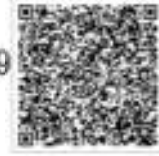
2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Varinder Hans alleging therein that on 21.04.2025, at about 6:15 AM, he was standing outside his *dhaba* which is existing in his house only. His two years old son Tripur was standing along with him. Suddenly a Mahindra car bearing registration number PB08-EX-6238 came there. It was driven at a high speed and its driver firstly hit a



dog on the road and then hit his son Tripur and thereafter, he fled with the car. The complainant had noted down the registration number of the car. His son succumbed to the injuries and died. He disclosed the name of the petitioner as driver of the offending vehicle and prayed for taking action. Initially, a case under Sections 281 and 106(2) of BNS was registered. Investigation proceedings were initiated. During investigation, offence under Section 106(2) of BNS was deleted and offence under Section 105 of BNS was added. The petitioner was arrested on 22.04.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No case for commission of offence under Section 105 of BNS is made out against him. He is in custody since 22.04.2025. Trial will take considerable time to conclude. There is nothing on record to suggest that he had any intention of causing death of the victim or any knowledge that the act allegedly done was likely to cause death. His further incarceration would not serve any useful purpose. He does not have any criminal antecedents. No motive has been attributed to him. At the most, a case for commission of offence punishable under Section 106 of BNS has been made out. With these broad submissions, it is argued that the petition deserves to be allowed.

4. *Per contra*, it is argued by learned State counsel that there are serious allegations against the petitioner. During the course of investigation, statement of one eyewitness Somnath had been recorded, who had stated that the petitioner had been asked by him to slow down the speed of the vehicle driven by him but had not cared for the same and had run over the child of the complainant while having knowledge that he could cause death.



Keeping in view the gravity of the allegations, the petitioner does not deserve to be released on bail.

5. Rival contentions raised by learned counsel for the parties have been considered.

6. The petitioner is alleged to have driven his vehicle bearing registration number PB08-EX-6238 at a high speed on the fateful day and had firstly run over a dog and then had hit the minor son of the victim, who had succumbed to his injuries. The petitioner is in custody since 22.04.2025. Investigation has been completed. It is only after thorough assessment of the evidence to be produced during trial that the trial court can assess as to whether, it is a case for commission of offence punishable under Section 105 of BNS. The petitioner does not have any criminal antecedents. Keeping in view the period spent by the petitioner in custody, nature of the allegations and the attendant facts, this Court is of the considered opinion that the petitioner makes out a case for release on bail. The well settled proposition of law is that bail is the rule and jail is an exception. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st August, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*