



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

218

**CRM-M No.40238 of 2025
Date of decision : 01.8.2025**

Lovepreet Singh**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. K.S. Brar, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.105 dated 12.12.2024, under Sections 281 and 106 of Bharatiya Nyaya Sanhita, 2023 (Sections 105, 281, 336(2), 337 and 238 of BNS, 2023 added later on), registered at Police Station Phase 8, District SAS Nagar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Baldev Singh S/o Sh. Ram Dass R/o Village Bhoon, Tehsil and PS Gumanvin, District Bilaspur, HP, aged about 68 years, M. No. 8219729240. Stated that I am resident of above mentioned address and has retired from PWD Himachal Pradesh as Chief Engineer. My son Maninderjit Singh is working in Visakhapatnam as Commandant JG, Indian Coast Guard, whose wife Geeta Garung is residing at H. No. 2566,



Sector 69, Mohali on rent along with her son namely Arnav aged about 9 years and one daughter namely Aradhya aged about 7 years. I had come to meet my grand children here. In the evening, I had taken my grandchildren in the park situated in front of the house for playing. At about 04:30 PM, my granddaughter Aradhya was going towards her house from the park and I along with my grandson were following her. When my granddaughter going towards the house after crossing the road, one electric three wheeler suddenly came from the right side in a very fast speed. The said vehicle was being driven by one young man in a rash and negligent manner, while driving it, the same hit to my granddaughter in front of my eyes, due to which my granddaughter fell on road and received injury on her head. We took her to Mayo Hospital, Sector 69, Mohali, for treatment from where she was referred to Fortis Hospital, Phase-8, Mohali. When they reached there, my granddaughter was declared dead. I came to know that the above said three wheeler was being driven by Lovepreet Singh S/o Sohan Singh R/o Village Mitukhera, District Sri Muktsar Sahib, presently at behind the Gurudwara Shaheeda Sahib, Sector 78, Mohali. Legal action be taken against the aforesaid person. Statement has been recorded to you, heard and same is correct. Sd/- Baldev Singh 8219729240.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.2.2025. Learned counsel has further argued that, assuming *arguendo*, the version of the prosecution is taken to be correct, the case made out against the petitioner is at most that of driving the vehicle in a rash and negligent manner, which has resulted into death of the deceased. Learned counsel has further submitted that the petitioner was initially arraigned as an accused for offence under Section 106 of BNS, 2023, upon which he was released on bail but later on offence under Section 105 of BNS, 2023 was added on 7.2.2025. Learned counsel has further iterated that there is no allegation against the petitioner for having misused the said concession of bail during the said period. Learned



counsel has further submitted that the offence under Section 105 of BNS, 2023 erstwhile is not made out against the petitioner from the factual matrix of the case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated - in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 11.2.2025 whereinafter investigation was carried out and challan stands presented on 8.5.2025. Total 14 prosecution witnesses have been cited but none has been examined till date. Thus it is indubitable that culmination of trial will take its own time. The rival contention raised by learned counsel for the parties give rise to short debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 01.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of five months and eighteen days & is not shown to be involved in any other case.



Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

2025:PHHC:097864



CRM-M No.40238 of 2025

-5-

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

01.8.2025
Ashwani

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