



CRM-M-49857-2025 (O&M)

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

110/237

CRM-37580-2025 in/&
CRM-M-49857-2025 (O&M)

Date of decision: 25.09.2025

Jagtar Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Nand Lal Sammi, Advocate for the applicant-petitioner.
Mr. Baljinder Singh Sra, Addl. A.G. Punjab.

SUMEET GOEL, J.

CRM-37580-2025

This is an application under Section 528 of the BNSS for placing on record entire zimni orders documents in compliance of the order dated 11.09.2025 earlier passed by this Court.

For the reasons stated therein, the application in hand is allowed. The documents are taken on record as Annexures A-1 to A-31. Registry to page-mark the paper-book accordingly.

CRM-M-49857-2025

1. The present petition is the third attempt under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of regular bail to the petitioner in FIR No.0178 dated 01.11.2023 registered under Sections 279, 304, 427 of IPC and Section 181 of the Motor Vehicle Act, 1988 at Police Station Pasyana, District Patiala.



2. The gravamen of the FIR in question pertains to an incident which occurred on account of rash and negligent driving. The complainant namely Jagmail Singh stated that he is a retired teacher from the Education Department, Punjab and his wife Namely Mohinder Kaur aged about 53 years is posted as Clerk in the Electricity Board, Thermal Plant, Bathinda. As per complainant, he has two children i.e. daughter namely Satvir Kaur aged 26 years and son namely Arshdeep Singh aged about 24 years, who is an MBBS student at Government Medical College and Rajinder Hospital, Patiala. The complainant alleged that on 31.10.2023 at about 05.30 P.M., he left the home with his son namely Arshdeep Singh in the car bearing Registration No.PB-03-BJ-9407 for Patiala which was being driven by Arshdeep Singh. At about 08:30 P.M., they stopped the car on the roadside near Prabhlahan flyover on Sangrur-Patiala road to urinate. While returning, as the son of the complainant namely Arshdeep Singh opened the door of the car to sit inside, a speeding truck bearing Registration No.PB-11-BY-0355 (TATA 3118C) coming from the Sangrur side hit the parked car from behind. The said speeding truck crushed the son of the complainant under its wheel, killing him on the spot. Thereafter, the said truck was stopped a short distance away. On hearing the impact, people gathered at the spot and caught the driver, who was heavily drunk. On enquiry, the driver of the truck disclosed himself as Jagtar Singh s/o Kirpal Singh, resident of Bakshiwala, P.S. Rajpura (petitioner herein). However, he soon fled from the scene of occurrence leaving his truck behind. The complainant alleged that due to the reckless and intentional act of the truck driver and under the



influence of the liquor, his son namely Arshdeep Singh lost his life. On these set of allegations, the instant FIR was registered.

3. The petitioner had earlier applied for grant of regular bail before this Court which was dismissed as withdrawn on 24.01.2025. The relevant part of said order reads as under:-

“After arguing at length, learned counsel for the petitioner wishes to withdraw the instant petition, at this stage.

Dismissed as withdrawn, at this stage.”

Thereafter, the petitioner had again approached this Court for grant of regular bail which also stands dismissed as withdrawn on 05.05.2025, relevant whereof reads as under:

“After arguing at length, learned counsel for the petitioner wishes to withdraw the instant petition, at this stage.

Dismissed as withdrawn, at this stage.

All other pending applications, if any, are also disposed off, accordingly”

The present petition i.e. the third petition for grant of regular bail has been preferred by the petitioner on and around 04.09.2025.

4. Learned counsel for the petitioner has iterated that the petitioner is a senior citizen aged about 70 years and was around 68 years old at the time of alleged occurrence. Learned counsel for the petitioner has further iterated that it is highly improbable for the petitioner to have fled from the clutches of the complainant and the crowd gathered at the spot as alleged in the FIR. Learned counsel has further submitted that in the FIR it was alleged that the truck of the petitioner struck the car of the complainant intentionally but does not disclose any motive for such an act. Furthermore,



the FIR does not show that the petitioner was known to the complainant or his son. Learned counsel has further contended that the petitioner has been falsely implicated into the FIR in question and in fact he was not the driver of the offending truck. It has been further submitted that the petitioner is in custody since 01.11.2023 i.e. about 01 year and 10 months. The challan stands presented and out of 15 prosecution witnesses, none has been examined till date. Given that the trial is likely to take a long time to conclude, the learned counsel submits that no useful purpose would be served by keeping the petitioner in custody. To buttress his arguments, learned counsel has placed reliance on the judgment of the Hon'ble Supreme Court titled as *Sanjay Chandra vs. CBI (2012) 1 SCC 40*, to contend that pre-trial detention amounts to undue hardship and punishment begins only after conviction, as every accused is presumed innocent until proven guilty. In this view of the matter, the grant of regular bail is entreated for.

5. *Per contra*, learned State counsel has vehemently opposed the grant of regular bail to the petitioner on account of the present petition being non-maintainable as it is the third petition for grant of regular bail as also on merits thereof. Learned State counsel further asserts that allegations raised against the petitioner are serious in nature. The FIR clearly records that the petitioner, while driving in a heavily drunken state, rammed the parked car of the complainant at a high speed crushing the son of the complainant, a young MBBS student, to death on the spot. The petitioner was caught at the spot but he managed to flee immediately thereafter. According to



learned State counsel, in case the petitioner is enlarged on bail, he is likely to influence or threatened the witnesses. Considering the gravity of the offence and its societal impact, the petitioner does not deserve the concession of regular bail.

6. I have heard the learned counsel for the rival parties and have gone through the available records of the case.

7. It would be apposite to refer herein to a judgment passed by this Court in ***Rafiq Khan vs. State of Haryana and another: 2024: PHHC:054064***; relevant whereof reads as under:-

9. *The paramount issue, in any plea for grant of regular bail, is the liberty of an individual. Indubitably, within our society and jurisprudence, liberty is a cherished foundational principle and has fundamental ascendancy over all other attributes of social order. Even within the framework of Constitution, this principle is made conspicuous, inter alia, in Article 21 of our Constitution that no person shall be deprived of his personal liberty except according to procedure established by law. The Cr.P.C., 1973 is one such procedural law which permits curtailment of liberty of anti-social and anti-national elements. Yet, liberty of an individual, the accused, must not transgress the rights of another individual, the victim, in terms of right to dignified everyday life without any imminent fear or threat. Additionally, the rights of the collective of individuals viz. the State/Society at large, also cannot be neglected. Therefore, while countenancing the facts for considering the bail, the rights of the triad of accused, victim and the State (Society at large) ought to be entailed. Ergo, while considering a bail plea, the Court ought to take into account this core concept(s).*

9.1 *An analytical perusal of Cr.P.C. explicates that this statute does not contain any provision relatable to maintainability or otherwise of second/successive bail petitions, including one(s) seeking regular bail. Once there is no statutory prohibition provided for in law, a Court is not logically empowered to import into it such prohibitions, especially in case of codified and legislated law. It is trite law that Courts ought not to read a provision in codified law which has not*



been specifically provided for by the legislature especially when such reading results into deprivation of rights. The bar contained in Section 362 of Cr.P.C. can, by no stretch of legal imagination, be said to be barring the filing of second/successive regular bail petition.

9.2 *The Hon'ble Supreme Court in case of **Babu Singh** case (supra) has held that rejection of a bail petition does not, by itself, forbid a Court from considering another one, later in point of time. Similar is the ratio decidendi of the judgment of Hon'ble Supreme Court in **Kalyan Chandra Sarkar** (supra). Ergo, it can be safely inferred that the decision of a Court qua regular bail petition is essentially an interlocutory order and hence the postulation of res judicata does not apply to its realm.*

9.3 *The issue that next craves attention is as to what are the factors/parameters for consideration of second/successive regular bail petition(s).*

9.4. *The concordant legal position is that the essential pre-requisite for consideration of second/successive regular petition is the material/substantial change in circumstances and factors of alike nature. Indubitably, the further period of incarceration suffered by the petitioner-accused after rejection/withdrawal of first/earlier plea for bail, pace of trial, the witnesses turning hostile or not supporting prosecution case and changed medical condition(s) of accused would be pertinent factor(s). It goes without saying that these factors are only illustrative in nature and cannot by any means be said to be exhaustive.*

9.5 *No rigid or universal criterion can possibly be delineated to conclusively govern the exercise of judicial discretion, in determining, as to what would constitute as the above stated substantial change in circumstances. Factual flexibility, one additional or different fact, may cause a sea of difference. There is no gainsaying that each case has its own distinct and unique facts and, hence, exercise of such judicial power is best left to the judicial discretion of a Court, in accordance with the settled norms of our jurisprudence.*

10. *As an epilogue to the above discussion, the following principles emerge:*

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.



II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

8. The contentions raised by learned counsel for the petitioner were available to the petitioner at the time when the first and second petitions for grant of regular bail were dismissed. Thus, as such no fresh substantial change in the circumstances has been brought forward which would indicate that the petitioner is entitled to maintain his third petition for grant of regular bail. For maintaining a second/third petition for bail, it is *sine-qua-non* to bring forth change in circumstances. This fact assumes more importance when no undue delay in trial has been brought forth. The



first and the second regular bail petition filed by the petitioner were dismissed as withdrawn on 24.01.2025 and 05.05.2025 respectively & indubitably, approximately 4½ months have passed since the dismissal of the second petition. However, since the first and second regular bail petitions were dismissed as withdrawn and there was no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.

8.1 Indubitably, the allegations made in the FIR against the petitioner are grave and specific. The petitioner, while driving under the influence of liquor, is alleged to have hit the car of the complainant resulting in the death of his son, a young MBBS student. The truck was apprehended at the spot and the petitioner was identified as the driver. Thereafter, he fled from the spot immediately which lends credence to the case of the prosecution. The plea of false implication of the petitioner cannot be looked into, in detail, at this stage, lest it may prejudice the trial. Furthermore, the argument of lack of motive is not material at this stage as well since the allegations themselves disclose reckless and culpable conduct attracting serious penal consequences. In the considered opinion of this Court, the allegations against the petitioner are serious in nature and he is required to substantiate his defence by leading the cogent evidence.

8.2. Another plea of the petitioner that he remained in custody for about 01 year and 10 months and 15 prosecution witnesses remained to be examined is untenable considering the gravity of the offence, the manner in which it was committed as also its societal impact. The present case



involves the death of a young MBBS student, allegedly caused by drunken and reckless driving of a heavy vehicle on a public highway. A profitable reference in this regard can be made to the judgment of the Hon'ble Supreme Court titled as ***State of Karnataka vs. Sri Darshan Etc. = 2025 INSC 979***, relevant whereof reads as under:

“20.4. Filing of charge sheet or lengthy list of witnesses does not justify grant of bail.

20.4.1. It is well settled that the mere filing of a charge-sheet does not confer any indefeasible right to bail. Likewise, the mere prospect of a prolonged trial cannot, by itself, outweigh the gravity of the offence, the incriminating material gathered during investigation, or the likelihood of tampering with witnesses.

20.4.2. In Kalyan Chandra Sarkar vs. Rajesh Ranjan (supra), this Court categorically held that:

“The High Court could have allowed the bail application on the sole ground of delay in the conclusion of the trial without taking into consideration the allegation made by the prosecution in regard to the existence of prima facie case, gravity of offence, and the allegation of tampering with the witness by threat and inducement when on bail..... non-consideration of the same and grant of bail solely on the ground of long incarceration vitiated the order..... ””

The allegations are not of mere negligence but of culpable conduct falling under Section 304 IPC. The gravity of the offence, the manner of its commission and its impact on society must weigh against the plea of liberty. The reliance placed on the judgment of ***Sanjay Chandra*** (supra) is of no help as the present case involves a heinous offence resulting in loss of life unlike economic offences. It is pertinent to note that though the challan has been presented and 15 prosecution witnesses remain to be examined, the apprehension expressed by the State that the petitioner, if



released on bail, may attempt to influence or intimidate the witnesses cannot be brushed aside.

8.3. The offence of drunken driving cannot be viewed in isolation as a mere act of mischief or lapse on the part of the offender. It constitutes a grave menace to public safety and strikes at the very root of societal order. A person whose chooses to drive under the influence of alcohol does not merely endanger his own life but recklessly imperils the lives of innocent citizens using the road. The act, by its very nature, creates a potential for fatal accidents, loss of invaluable human lives and serious bodily injuries apart from damage to property — by creating a hazardous situation on public roads, undermining the very fabric of public safety and order. It is well settled that individual liberty, though cherished as a fundamental right, cannot be stretched to such an extent that it jeopardizes the collective safety of public at large. The law, therefore, mandates strict treatment of such offences, for any leniency extended in such cases would send a wrong signal and embolden others to indulge in similar hazardous conduct. This Court, while dealing with the petition in hand, is constrained to bear in mind the paramount consideration of public interest and deterrence. Grant of bail in such like matters, if exercised casually, would not only dilute the seriousness of the offence but also have a deleterious effect of encouraging similar reckless conduct. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail. The petition is, thus, devoid of merits and is hereby dismissed.



9. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

September 25, 2025
Ajay

Whether speaking/reasoned:	Yes
Whether reportable:	Yes