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

CRM-M No.50620 of 2025

Date of Decision: 14.10.2025

Avtar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karanjit Singh, Advocate
for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar, Advocate and
Ms. Kashish Gandhi, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.140, dated 10.05.2025, under Sections 281, 106, 125(a) and 324(4) of BNS (Section 106 BNS has been deleted and Section 105 BNS has been added later on), registered at Police Station Civil Lines Batala, District Batala.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Harmandeep Singh. It was alleged that sister of the complainant, namely, Pukhraj Kaur and his niece, namely, Shubhreet Kaur had come to India



about 02 months ago. For doing the shopping for marriage of his niece, they had taken complainant's Swift car bearing registration No.PB-07-BJ-2792, which was driven by driver, namely, Gurpal Singh. Later on, the complainant in his Innova car went to meet his relative, namely, Sukhbir Singh and in the evening, the complainant along with Sukhbir Singh was standing at Adda Bodhe Di Khui, Batala. The complainant met his sister at Adda Bodhe Di Khui, Batala and thereafter, they started their journey. His sister and niece were travelling ahead of them in their Swift Car and the complainant along with Sukhbir Singh was following them in their Innova car. At about 6:45 P.M., when they reached near Guru Nanak Cold Storage Batala By-Pass, one Fortuner car bearing registration No.PB-08-FH-0002 came in a high speed, being driven in a highly rash and negligent manner and hit the car of his sister make Swift head on. On account of the massive accident made by the offending car, the sister of the complainant, namely, Pukhraj Kaur and driver, namely, Gurpal Singh died on the spot. His niece, namely, Shubhreet Kaur was also badly injured. The driver of the offending Fortuner car was identified to be Avtar Singh, i.e. the petitioner. The complainant and Sukhbir Singh with the help of the crowd gathered shifted both the dead bodies to Civil Hospital, Batala. It was alleged that the driver, namely, Avtar Singh, i.e. the petitioner was driving the car in a rash and negligent manner, on account of which, 02 deaths took place on the spot. The request was made to take legal action against the culprit. Thus, the FIR was registered and the petitioner was arrested on the spot on 10.05.2025. On registration



of the FIR, the investigation commenced. The petitioner approached the Court of learned Sessions Judge, Gurdaspur praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Sessions Judge, Gurdaspur declined the bail application filed by the petitioner vide order dated 05.08.2025. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner was arrested on the spot. He has submitted that during the investigation, the offence under Section 106 BNS was deleted and the offence under Section 105 BNS was added. He has submitted that the allegation regarding the rash and negligent driving by the petitioner is totally false and frivolous, even otherwise, this allegation can be adjudicated only during the trial. He has submitted that the allegation made against the petitioner that he was under the influence of alcohol is without any examination of blood test and thus, is not medically corroborated. He has submitted that the case in hand is purely of a case of negligence and no offence, as alleged against the petitioner, is made out and hence, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. She has submitted that during the investigation, the allegations against the petitioner are *prima facie* established. She has submitted that the offence committed by the petitioner had also been proved from the CCTV



footage recovered from the site of occurrence. She has submitted that the petitioner was drinking alcohol while driving the offending vehicle and thus, the offence under Section 105 BNS has been *prima facie* established. She has submitted that there are 02 deaths involved in the present case. She has further submitted that the trial is at the initial stage and thus, in the facts and circumstances, no case for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed. She has produced custody certificate of the petitioner today in the Court which is taken on record.

5. Learned Senior counsel for the complainant, however, has also opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was in drunken condition while driving the offending vehicle in rash and negligent manner. He has submitted that 02 deaths had taken place on the spot in the occurrence. He has thus submitted that no ground for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. On the appreciation of the arguments advanced on the record perused, it is transpired that the petitioner was the driver of the offending vehicle. There are specific allegations against the petitioner that he was not simplicitor driver but had consumed alcohol while driving. Needless to say that 02 deaths had taken place on the spot. Custody certificate



produced would show that the petitioner has suffered incarceration of 05 months and 02 days as on 13.10.2025, however the trial is at threshold.

8. Keeping in view the facts and circumstances of the case, this Court does not find any ground to grant regular bail to the petitioner and hence, the present petition is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

14.10.2025

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

(RAJESH BHARDWAJ)
JUDGE