

**CRM-51594-2025 in/and  
CRA-S-3040-2025**

**-1-**

2025.PHHC.176073



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

**106+210**

**CRM-51594-2025 in/and  
CRA-S-3040-2025**

**Date of decision: 19<sup>th</sup> December, 2025**

Jaspreet Singh

...Appellant

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Karanbir Singh, Advocate for the appellant.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. H.S. Sadraria, Advocate for

Mr. A.K. Kondal, Advocate for respondent No.2.

\*\*\*

**MANISHA BATRA, J (ORAL):-**

**CRM-M-51594-2025**

This application has been filed by the applicant for placing on record the copy of compromise deed dated 03.12.2025 as Annexure A-1.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Annexure A-1 is ordered to be taken on record.

**Main case**

The instant appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'the Act, 1989'*) by the appellant against the order dated 10.09.2025,

2025.PHHC.176073



passed by the Court of learned Additional Sessions Judge, Rupnagar, whereby the application filed by him for grant of regular bail in case arising out of FIR No. 131 dated 30.05.2025, registered under Sections 105 and 238 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 3(2)(5) of the Act, 1989 at Police Station City Rupnagar, Punjab had been dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Balwinder Singh alleging that the victim Jashanpreet Kaur, who was his niece, was studying in Government College, Rupnagar. In the morning of 29.05.2025, she had gone to attend her college and did not reach home till evening. Her mobile phone was also found to be switched off. Search for her was made but could not be traced out. He further alleged that as the victim was friendly with the present appellant and was willing to marry him, therefore, suspecting that she had gone with him, they went to the house of the appellant where they were informed that the car of the appellant was fallen in the canal of village Bhojemajra and he had not returned home since the last day. The car of the appellant was found entangled in the bushes of canal. On taking out of the same, the dead body of the victim Jashanpreet Kaur was found lying therein. While alleging that the appellant had a hand in the death of the victim, he prayed for taking action. After registration of FIR, investigation proceedings were initiated. During the course of investigation, offence under Section 3(2)(5) of SC/ST Act was added since the victim belonged to scheduled caste category.

2025.PHHC.176073



3. As per the further allegations, the appellant was arrested on 01.06.2025. He was interrogated and suffered disclosure statement to the effect that on the fateful day, he along with the victim was riding in his car, and due to loss of balance, the vehicle fell into Sirhind Canal. He managed to save himself but could not save the victim. Investigation now stands concluded and the appellant is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Rupnagar, which was dismissed vide order dated 10.09.2025.

4. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law as while passing the same, the learned trial Court ignored the fact that the ingredients for commission of offence punishable under Sections 105 and 238 of BNS were not at all attracted. The death of the victim had occurred due to losing of balance of the car and there was no criminal intent on the part of the appellant in doing so. He is in custody since 01.06.2025. The trial is likely to take time to conclude, as out of 23 prosecution witnesses, two have been given up and none has been examined so far. Even otherwise, a compromise has been arrived at between the appellant and respondent No.2. His continued detention would not serve any useful purpose. With these broad submissions, it is urged that the impugned order is liable to be set aside, appeal deserves to be accepted and the appellant deserves to be extended benefit of bail.

5. Learned State counsel on the other hand has argued that keeping

2025.PHHC.176073



in view the gravity of the allegations as levelled against the appellant, he does not deserve to be released on bail. Therefore, it is stressed that the appeal does not deserve to be allowed.

6. Learned counsel for respondent No.2 has affirmed the fact that a compromise has been arrived at between the parties and has submitted that respondent No.2 does not want to contest the appeal.

7. This Court has heard learned counsel for the parties at considerable length.

8. As per the allegations, on the fateful day, the appellant was driving a car bearing registration No. PB-43-A-2554, which lost balance and fell into the Sirhind Canal. The victim, who was riding with him, succumbed to the injuries sustained due to drowning, whereas the appellant managed to save himself. On the basis of these allegations, it is a debatable question as to whether the ingredients for the commission of offences punishable under Sections 105 and 238 of the BNS are attracted or not? This question can be conclusively decided only upon a thorough assessment of the evidence to be adduced during the trial. The appellant is in custody since 01.06.2025. Trial will obviously take time to conclude. His continued detention would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentence. Though no consideration can be given to the factum of compromise which is stated to be arrived at between the parties, however, taking into consideration the above discussed facts and

2025.PHHC.176073



the clean antecedents of the appellant, this court is of the considered opinion that the impugned order does not deserve to be sustained. Accordingly, the appeal is allowed, the impugned order is set aside and the appellant is ordered to be released on bail subject to his furnishing personal as well as surety bonds of two sureties to the satisfaction of the learned trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) the appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) He shall surrender his passport before the learned trial Court at the time of furnishing bonds and shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) He shall appear before the learned trial Court as and when directed.
- (iv) He shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the appellant shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times during trial.

9. In the event of there being any FIR/complaint lodged against the

2025.PHHC.176073



appellant, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

11. Since the main appeal has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

19<sup>th</sup> December, 2025  
Parveen Sharma

- |                               |   |          |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |