



CRM-M-64940-2025 (O&M)

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

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CRM-M-64940-2025 (O&M)

Date of decision: 21.11.2025.

Mukul Khatri

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Vishal Nehra, Advocate
for the petitioner.

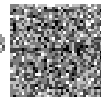
Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. Devinder K. Rajwal, Advocate
for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

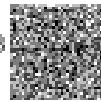
1. The present first petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.115 dated 30.10.2025, under Section(s) 281, 105, 125(a), 325 & 324 (4) of BNS and Section 11 of the Prevention of Cruelty to Animals Act, registered at Police Station Naya Gaon, District SAS Nagar.

2. The genesis of the FIR can be traced to the statement of complainant Suman. The very pith of the same being that her husband, Sahib Lal had gone to Chandigarh on 29.10.2025 for labour work as per his normal routine. He used to return back by 05.00 PM but on that day, he did not turn up. As such, the complainant along with her brother in law (jeth) Lalu started searching for him. They reached road of Kansal village and saw her husband riding a cycle, at about 10:30/11:00 PM. He had reached



Kansal road Naya Gaon from Kambwala, Chandigarh side. In the meanwhile, a Mahindra Thar vehicle approached from the side of Kambwala Chandigarh. It was being driven in a rash and negligent manner by a person with cropped hair and he rammed the car into a cow standing next to the road and the cow met a violent death. Passerby gathered at the spot and signalled the driver to stop. On this, the driver stopped abruptly and thereafter, unexpectedly ramped up the speed of the car and started driving. He rammed the car from the rear side into the bicycle of the husband of the complainant. Sahib Lal tumbled down towards the edge of the road and sustained injury on his head. However, the car driver dragged the cycle of the husband of the complainant to a distance and the cycle got tangled in the front tyres of the car. People attempted to stop him but the driver kept on striving to flee away. So much so, he also rammed the car into a scooter driver, who was going ahead and he also sustained grave injuries and the scooter was badly damaged. The registration number of the vehicle was HR-10AA-9900. The driver of the car alighted and attempted to abscond but was apprehended by the people, who had gathered at the spot. On inquiry, he disclosed his name as Mukul Khatri and he was apparently intoxicated. The husband of complainant succumbed to his injuries.

3. Learned counsel appearing for the petitioner contends that on the fateful day, his vehicle had an encounter with a stray cow. Because of the impact of the aforesaid hit, the air bags of the vehicle got deployed, thus, impairing the visibility and control of the petitioner over the vehicle. Further the impact thereof led to certain disorientation. Within the aforesaid short span, the vehicle went out of control and hit a cyclist and a person

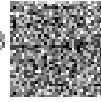


riding the activa. In the said unfortunate incident, the cyclist passed away. He contends that the respondent-State conducted breathalyser test of the petitioner and he was not found under the influence of any intoxicant substance. Thus, the initial apprehension expressed by the complainant at the time of registration of the FIR regarding the petitioner being under the influence of intoxicants is misplaced. The deployment of air bags as a result of the impact and the injury sustained as a result thereof have been misunderstood by the complainant. It is also submitted that the petitioner was not riding the vehicle at high speed or in a reckless manner. Had it not been for the stray cattle hitting the vehicle, the incident in question would not have taken place. He submits that *prima facie* a case under Section 105 BNS would not be made out since the medical record does not substantiate the element of any intoxication or influence of any intoxicant substance. Hence, in normal circumstance, the same would have been a bailable offence under Section 106(1) of BNS. He submits that the petitioner is not involved in any other case.

4 On the other hand, State counsel does not dispute the aforesaid contentions.

5. However, the learned counsel for the complainant vehemently opposes the grant of bail and submits that the photographs/video immediately taken after the incident show that the petitioner was under the influence of intoxicants, but he does not dispute that there is no medical record to corroborate the same. Learned counsel for the complainant, also does not dispute that the petitioner is not involved in any other case.

6. Having heard learned counsel for the parties and considering



that arguable issue with respect to the offences finally made out in the present case would arise for consideration during the course of trial; the element of deployment of the air bags and its consequential control over the vehicle, the impact of the stray cattle hitting the vehicle i.e. the manner in which the incident took place, the period of custody already undergone, the clean criminal antecedents of the petitioner as also his age, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

21.11.2025.

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(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No