

2025:PHHC:076250



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

**CRM-M-31657-2025  
DECIDED ON: 17.06.2025**

**RANJIT SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. HPS Ghuman, Advocate  
for the petitioner.

Mr. Sandeep Singh, AAG Punjab

**SANDEEP MOUDGIL, J (ORAL)**

**1. Prayer**

This petition has been filed under Section 482 of BNS, 2023 grant of anticipatory bail in FIR No. 250 dated 16.11.2024 (Annexure P-1) registered Under Sections 106, 324(4), 324(5) of BNS, 2023 (Offence under Section 106 BNS has been deleted and under Section 105 BNS has been added later on) dated at Police Station City Phagwara, Tehsil Phagwara, District Kapurthala.

**2. Facts**

Facts as narrated in the FIR reads as under:-

*“Statement of Priya S/O Harpal Singh R/O Quarter No. 3-A Staff Colony, E.S.I Hospital Phagwara, Police Station, City Phagwara, Distt. Kapurthala age about 24 years, stated that I am resident of*

*above said address and serving in Mohalla Clinic, Pharmacy Officer , Bholath, District Kapurthala. we are two brother and sister.. I have a younger brother Tushar Singh, who is studying. My father is doing government job and my mother is doing private job. Today on 16.11.2024 I was riding on my vehicle and my younger brother Tushar Singh was driving his Activa Number PB-09-A.D. 4579, had gone to Shiv Mandir Phagwara for paying obeisance. Both of us after having paid obeisance, after riding on the respective vehicle were going towards home. My brother was going ahead of me on Activa and I was following him on my vehicle. When we around 6.P.M. reached ahead of Sugar Mill Chowk Phagwara over flyover bridge in front of Vishal Megamarat Phagwara then from Jalandhar side one Canter P.B. 10-C-3819, name of the driver, not known, at rash driving and without honking and struck at the backside of the active of my brother and my brother along with his scooter by toss fell on the road due to which my brother suffered deed injury on the back of his head. In the meantime Rahul Sharma S/O Manoj Kumar Sharma, resident of in front of Maan Resort Chachoki, Phagwara, Distt. Kapurthala, friend of my mama Devinder Pal Singh, reached at the spot, then d unknown driver of the above said canter, along with Canter ran away from the spot... I by making arrangement of Vehicle got admitted my brother Tushar Singh in civil Hospital Phagwara where the doctor declared my brother dead. The dead body of my brother Tushar Singh is lying in mortuary at Civil Hospital Phagwara. Therefore action be taken the unknown driver of the canter No. P.B.-10C-3819. I have got recorded statement in the presence of above said Rahul Sharma, the same has been heard, the same is correct. Sd/-*

**3. Contentions:**

**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that initially, the petitioner was charged with a bailable offence and was accordingly released on bail by the police. However, after a lapse of three months from the date of

registration of the FIR, Section 105 of the Bharatiya Nyaya Sanhita (BNS) was added and Section 106 BNS was deleted, as per DDR No. 30 dated 13.02.2025. Such a belated alteration in the nature of the offence amounts to an improvement which is not permissible under the settled principles of criminal jurisprudence and ought to be disregarded. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation.

**On behalf of the State/complainant**

Status report filed by way of an affidavit of Bharat Bhushan PPS, Deputy Superintendent of Police, Sub Division Phagwara, District Kapurthala, is taken on record.

Learned State counsel prays for dismissal of the present petition on the ground that recovery of the vehicle involved in the commissioning of offence is yet to be effected.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact vehicle involved in question stands recovered and mechanically examined as is evident from a mechanic report dated 11.12.2024 (Annexures P-2 & P-3) and thereafter the same stands released on *superdari*, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within

a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

*‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*

*(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*

*(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*

*(iii) a condition that the person shall not leave India without the previous permission of the Court;*

*(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**17.06.2025**

*Meenu*

*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*              *Yes/No*