IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CNR No: PHHC011395102026

2026:PHHC:195828

CRM-M-47497-2026 (O&M)

Kulveer Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	30.10.2026
2	The date when the judgment is pronounced	03.11.2026
3	The date when the judgment is uploaded on the website	03.11.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Zorawar Singh Chauhan, Advocate and
Mr. B. S. Sandhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 51 dated 09.06.2026, registered under Sections 105 and 324(4) of Bharatiya Nyaya Sanhita, 2023 *(for short 'BNS')* at Police Station Sadar Phagwara, District Kapurthala.

2. Brief facts of the case relevant for the disposal of the present petition are that the FIR was registered on the statement of complainant Amarjit Singh alleging therein that on 08.06.2026, at about 8:00 PM, he was

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following his son Sukhvir Singh on his own motorcycle. Sukhvir Singh was riding motorcycle bearing registration No. PB-10-ES-8222 along with his wife Anjana and daughter Hargun Kaur, aged about 5 years. When they reached Bhullarai Chowk, a Brezza car bearing registration No. PB-36-K-5903 came from behind at a high speed and hit their motorcycle. As a result thereof, the motorcycle struck the rear tyre of a stationary Eicher mini truck bearing registration No. DL-01-MB-0844. All the three persons fell down and suffered injuries. Thereafter, the driver of the Brezza car hit a Grand Vitara car bearing registration No. PB-46-AQ-4933 from behind and drove his car on to the divider. The Grand Vitara, which was being driven by Tejinderpal Singh, struck the footpath on the left side and its occupants suffered minor injuries. The driver of the Brezza car was found to be the petitioner, who was in an inebriated condition. Sukhvir Singh and Hargun Kaur were declared dead at Civil Hospital, Phagwara, whereas Anjana was declared dead at Satyam Hospital, Jalandhar. As per the complainant, the petitioner drove the car at a high speed and in a negligent manner after consuming liquor, knowing that it could result in grievous injury or death of someone. The petitioner was arrested and his medical examination was got conducted, wherein the doctor opined that he was under the influence of alcohol. His application for grant of regular bail was dismissed by learned Additional Sessions Judge, Kapurthala vide order dated 06.08.2026. After completion of investigation, final report against the petitioner was presented before the Court on 07.09.2026 and presently, he is facing trial.

3. Learned counsel for the petitioner has argued that the petitioner is a law abiding citizen and has been falsely implicated in this case. Even as

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per the prosecution version, the allegations pertain to death caused by a rash and negligent act, for which the case ought to have been registered under Section 106 BNS. Section 105 BNS has been invoked only for the reason that the petitioner was allegedly in an intoxicated condition at the time of the incident. The alleged consumption of alcohol is not in itself sufficient to implicate him under this provision, as the knowledge contemplated by Section 100 BNS has to be established from facts and circumstances. Such knowledge has to be assessed from the entire factual matrix, including the manner of driving, speed of the vehicle, road and traffic conditions, visibility, nature of impact and location of the motorcycle. The impugned order passed by learned Additional Sessions Judge is erroneous and cryptic. The petitioner is not involved in any other case and has not been declared a proclaimed offender. He is in custody since 09.06.2026. Investigation stands completed and final report has been presented, whereas conclusion of trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status has been filed by the respondent-State. Learned State counsel has argued that there are specific allegations against the petitioner, who hit the motorcycle of the deceased intentionally, due to which three persons lost their lives. At the time of occurrence, he was under the influence of alcohol and alcohol was traced in his medical examination. The doctor found him to be drowsy, with smell of alcohol in his breath, slurred speech, unsteady gait and impaired co-ordination (Annexure R-2). Driving in such a condition amounts to an offence in itself and there is ample evidence against

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him. Keeping in view the gravity of the allegations, he is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions of learned counsel for the parties.

6. The petitioner is alleged to have driven the Brezza car under the influence of alcohol at a high speed and to have hit the motorcycle of Sukhvir Singh from behind. Sukhvir Singh, his wife Anjana and their daughter Hargun Kaur, aged about 5 years, lost their lives in the occurrence. He is further alleged to have hit a Grand Vitara car thereafter, the occupants of which suffered minor injuries. The allegations are undoubtedly serious and the loss of three lives, including that of a young child, cannot be viewed lightly. The main dispute between the parties is whether the case falls under Section 105 BNS or Section 106 BNS.

7. Section 105 BNS, which corresponds to Section 304 IPC, has two parts. The first part applies where the act is done with the intention of causing death or such bodily injury as is likely to cause death. The second part applies where the act is done with the knowledge that it is likely to cause death, but without any such intention, and the punishment under it may extend to ten years. Section 106(1) BNS, which corresponds to Section 304-A IPC, covers death caused by a rash or negligent act not amounting to culpable homicide and the punishment under it may extend to five years. In ***Alister Anthony Pareira v. State of Maharashtra, (2012) 2 SCC 648***, the Hon'ble Supreme Court held that rash or negligent driving on a public road, with the knowledge of its dangerous character and likely effect, may amount to culpable homicide not amounting to murder if it results in death. It was

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also observed that each case has to be decided on its own facts. Where negligence or rashness is the cause of death and nothing more, Section 304-A IPC may be attracted. However, where the act is preceded by the knowledge that it is likely to cause death, Section 304 Part II IPC may be attracted. Reliance can also be placed upon ***State through P.S. Lodhi Colony, New Delhi v. Sanjeev Nanda, (2012) 8 SCC 450***, wherein it was held that the prosecution has to prove, for an offence under Section 304 Part II IPC, that the accused knew his act was likely to cause death. Knowledge was attributed to the accused in that case as he had driven in an inebriated state after consuming excessive alcohol, without a licence, at a high speed and in a rash and negligent manner.

8. These judgments show that a death caused by drunken driving may fall under Section 304 Part II IPC, now the second part of Section 105 BNS, if the requisite knowledge is established. At the same time, they do not lay down that every case of driving after consuming alcohol must necessarily fall under this provision. The observation in ***Sanjeev Nanda's case (supra)*** regarding presumption of knowledge was made in the context of driving without a licence, at a high speed, after consuming liquor beyond the permissible limit. The conclusions in ***Alister Anthony Pareira's case (supra)*** and ***Sanjeev Nanda's case (supra)*** were also recorded after a full trial and upon appreciation of evidence. Thus, the question in each case depends upon the facts established before the trial Court.

9. In the present case, the status report says that the petitioner hit the motorcycle intentionally and with mala fide intention. However, no motive or previous connection between the petitioner and the deceased has

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been pointed out in support of this assertion. The FIR itself speaks of driving at a high speed and in a negligent manner after consuming liquor. Prima facie, therefore, the prosecution case rests upon knowledge and not upon intention. The status report relies upon the observations of the doctor regarding the condition of the petitioner, but it does not specify the quantity of alcohol, if any, found in his blood. It also refers to the arrest of the petitioner from the spot and does not allege that he tried to flee. Learned Additional Sessions Judge has observed that voluntary intoxication is no defence and that the act of the petitioner was imminently dangerous. No doubt, Section 24 BNS provides that a person in a state of voluntary intoxication is to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated. This provision only rules out intoxication as an excuse and the prosecution would still have to establish the requisite knowledge from the facts and circumstances of the case. The argument that drunken driving is an offence in itself also does not settle this question. Whether the act of the petitioner was merely rash and negligent or was done with the knowledge contemplated by Section 105 BNS is a matter to be determined by the trial Court. This would depend upon the evidence regarding speed of the vehicle, manner of driving, road and traffic conditions, visibility and nature of impact, including the presence of the stationary mini truck. It would not be appropriate to express any final opinion on this aspect at this stage.

10. Gravity of the allegations is no doubt a relevant factor, but it cannot be the sole ground to keep an accused in custody pending trial for an indefinite period. The status report itself shows that no other FIR is registered

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against the petitioner. He has been in custody since 09.06.2026, i.e. for nearly five months. Investigation has since been completed and final report has been presented, due to which the custody of the petitioner is no longer required for the purpose of investigation. The status report does not express any apprehension that he would abscond or tamper with the evidence. The case is at its initial stage and conclusion of trial would obviously take time. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

11. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

03.11.2026 **(MANISHA BATRA)**
Waseem R. Ansari **JUDGE**

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

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