



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CRM-M-41646-2026 (O&M)
Date of Decision:03.08.2026

Amit Kumar

... Petitioner

Versus

State of Haryana

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

Mr. Dhruv Gupta, Advocate
for the complainant.

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VIRINDER AGGARWAL, J. (Oral)

1. The present second petition has been instituted under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) seeking the concession of regular bail during the pendency of trial in FIR No.33 dated 12.02.2026 (**Annexure P-1**), registered under Sections 281 and 105 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 279 and 304 Part II IPC) and Sections 185, 181(3) and 146/196 of the Motor Vehicles Act, 1988, at Police Station Parao. The earlier bail petition was dismissed as withdrawn on 25.05.2026.



2. Briefly stated, the prosecution case emanates from the statement of the complainant, Harsh Bajaj, who alleged that on 11.02.2026, he and his sister, Nikita Bajaj, after alighting from a Haryana Roadways bus at Ambala Cantt., boarded an e-rickshaw for proceeding towards their residence at Model Town, Ambala City. Two other passengers, namely Poonam and her husband Keshav, were also travelling in the said e-rickshaw. At about 9:10 p.m., when the e-rickshaw reached near Kali Paltan Bridge on the National Highway, a Verna car bearing registration No. HR-29-AE-8282, allegedly being driven in a rash and negligent manner, struck the e-rickshaw from behind, causing it to lose balance. As a consequence, Nikita Bajaj fell onto the road and was allegedly run over by the offending vehicle. It is further alleged that the driver attempted to flee from the spot but, after colliding with the roadside railing, was apprehended by the complainant and another passenger. The driver, who disclosed his identity as Amit Kumar, was allegedly wearing the uniform of the Haryana Police and was under the influence of alcohol. The injured was immediately shifted to the Civil Hospital, Ambala City, where she was declared brought dead. The petitioner was thereafter medico-legally examined, whereupon the present FIR came to be registered.

3. Learned counsel for the petitioner submits that the petitioner was initially granted bail in respect of the offence punishable under Section 106 of the Bharatiya Nyaya Sanhita, 2023. Subsequently, upon addition of the offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023, the petitioner appeared before the learned



Magistrate, joined the investigation, and was thereafter remanded to judicial custody. It is contended that the petitioner did not abscond from the place of occurrence and, in fact, assisted in shifting the injured to the hospital. It is further argued that the prosecution case, at its highest, discloses an offence of rash and negligent driving and not one punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023. Learned counsel also submits that the legal representatives of the deceased have instituted proceedings under the Motor Vehicles Act, wherein the accident has been described as one arising out of rash and negligent driving, which, according to the petitioner, fortifies his contention. On these premises, it is prayed that the petitioner be enlarged on regular bail.

4. Notice of motion.

5. Upon notice, Mr. Karan Veer Singh, learned Senior Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State, while Mr. Dhruv Gupta, Advocate, appears on behalf of the complainant and files his power of attorney, which is taken on record. Learned State counsel, duly assisted by learned counsel for the complainant, vehemently opposes the prayer for grant of regular bail. It is contended that the allegations disclose the commission of a grave offence resulting in the death of a young woman aged about 25 years. It is further submitted that the report of the Forensic Science Laboratory has since been received, which indicates that the petitioner had 115 mg of alcohol in his blood at the relevant time. It is argued that the petitioner, despite being a serving police official, was driving the offending vehicle in a heavily intoxicated condition and, after colliding with the e-rickshaw, allegedly



ran over the deceased. It is further contended that the petitioner attempted to flee from the place of occurrence but, after striking the roadside railing, was apprehended by the bystanders and handed over to the police. Accordingly, it is submitted that, having regard to the seriousness of the allegations and the attendant circumstances, the petitioner does not deserve the concession of regular bail at this stage, and the present petition is liable to be dismissed.

6. I have given my thoughtful consideration to the rival submissions advanced by learned counsel for the parties and have meticulously examined the material placed on record.

7. It is not in dispute that the petitioner is facing prosecution for offences punishable under Sections 281 and 105 of the Bharatiya Nyaya Sanhita, 2023, besides the relevant provisions of the Motor Vehicles Act. The prosecution case, at this stage, discloses that the petitioner, while driving the offending vehicle, allegedly struck the e-rickshaw in which the deceased was travelling and thereafter ran over young girl of 25 years, resulting in her instantaneous death. The material collected during investigation further reveals that the petitioner was subjected to medico-legal examination and the report of the Forensic Science Laboratory prima facie records the presence of 115 mg of alcohol in his blood, thereby indicating that he was driving the vehicle under the influence of alcohol.

7.1. The contention raised on behalf of the petitioner that he himself shifted the injured to the hospital or that he did not flee from the place of occurrence are matters which undoubtedly constitute part of his defence and shall be examined by the learned Trial Court upon



appreciation of evidence during trial. At this stage, such pleas cannot dilute the gravity of the allegations emerging from the prosecution material. On the contrary, the prosecution specifically alleges that after causing the accident, the petitioner attempted to flee from the spot but, while doing so, collided with the roadside railing and was apprehended by the complainant and other bystanders before he could escape.

7.2. Equally devoid of merit is the submission that the claim petition preferred under the Motor Vehicles Act describes the occurrence as one arising out of rash and negligent driving. Proceedings under the Motor Vehicles Act are compensatory in nature and are adjudicated on entirely different considerations. The pleadings or recitals contained therein neither determine the nature of criminal liability nor curtail the jurisdiction of the criminal Court to independently assess whether the allegations attract the ingredients of the offences alleged in the present FIR. Such proceedings cannot be treated as determinative of the issues arising in the present criminal prosecution.

7.3. It also deserves notice that the petitioner is a serving police official, who is expected to uphold the rule of law and exhibit a higher degree of responsibility while discharging his duties as well as in his personal conduct. *Prima facie*, the allegations depict a complete disregard for public safety by driving a motor vehicle on a public road under the influence of alcohol. Such conduct, if ultimately established, cannot be viewed lightly, particularly when it has allegedly resulted in the loss of a young human life.



7.4. At the stage of consideration of bail, this Court is not expected to meticulously evaluate the evidence or record any conclusive finding on the guilt or innocence of the accused. The Court is only required to examine whether the accusations are *prima facie* supported by the material collected during investigation and whether, having regard to the nature and gravity of the offence, the role attributed to the accused and the overall facts and circumstances, the petitioner has made out a case for grant of regular bail.

7.5. In the present case, the allegations are grave and supported, at least *prima facie*, by the material collected during investigation, including the report indicating the presence of alcohol in the petitioner's blood. The accusation is not merely of rash or negligent driving simpliciter, but of driving under the influence of alcohol in a manner which allegedly culminated in the death of an innocent young girl. Such allegations have serious ramifications not only for the victim's family but also for society at large. The increasing incidence of drunken driving has become a matter of grave public concern, and Courts are expected to adopt an approach which adequately balances the valuable right to personal liberty with the larger societal interest in ensuring road safety and maintaining public confidence in the administration of criminal justice.

7.6. Having regard to the totality of the facts and circumstances, the seriousness of the allegations, the specific role attributed to the petitioner, the nature of the evidence collected during investigation and the stage of the proceedings, this Court is of the considered opinion that no ground is made out for extending the concession of regular bail to the



petitioner at this stage. Consequently, without expressing any opinion on the merits of the case, lest it prejudice either party during the course of trial, the present petition, being devoid of merit, is hereby **dismissed**.

7.7. It is, however, clarified that the observations recorded herein are confined solely to the adjudication of the present bail petition and shall not be construed as an expression on the merits of the case. The learned Trial Court shall proceed independently and decide the matter strictly in accordance with law, uninfluenced by any observation contained in the present order.

8. In view of the dismissal of the present petition, all pending miscellaneous applications, if any, shall also stand disposed of. No separate or further orders are required to be passed in respect thereof.

03.08.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No