



CRM-M-60875-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60875-2024

Reserved on: 16.12.2024

Pronounced on: 19.12.2024

Lakhbir Singh @ Lakha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARAPresent: Mr. Amardeep Singh, Advocate,
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Nikhil Ghai, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
81	27.10.2024	Tarsikka, Distt. Amritsar, Punjab	105, 3 (5) BNS

- The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
- In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
- The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"2. That the brief and relevant facts of the case are that the aforesaid case FIR No.81 dated 27.10.2024 was registered on the basis of statement of Dalbir Singh son of Mehnga Singh, who had alleged therein that on 26.10.2024 at about 09:00 AM, he and his grandson Warispreet Singh was present at their house and Gurjant Singh alias Janta, Karan Singh and Lakha Singh (petitioner) came at his house and took his grandson Warispreet Singh with him. When his grandson Warispreet Singh did not return home for a long time, he and his nephew Narinder Singh reached Bus Stop Government School, Gehri Road to search for his grandson,

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where he came to know that his grandson Warispreet Singh and Gurjant Singh had gone on motorcycle No. PB09-W-8670 and co-accused Lakha Singh (petitioner) had gone on Ford Tractor-3600. Karan Singh was accompanying Lakha Singh (petitioner) on tractor towards Gehri side, whereupon he and his nephew went towards Gehri side and when they crossed some distance from Dashmesh Nagar, they saw Gurjant Singh was riding the motorcycle and his grandson Warispreet Singh was a pillion rider. The petitioner Lakha Singh did a stunt by lifting the front portion of tractor in air and in the meantime Gurjant Singh applied the brakes of motorcycle and the front portion of the tractor fell upon his grandson Warispreet Singh, which resulted in serious injuries to Warispreet Singh and he (Warispreet Singh) succumbed to his injuries on the way to hospital. xxx xxx”

4. The petitioner’s counsel argued that the deceased and his friend were doing stunts on a bike and had friendly relations. He further argued that it is not a case of culpable homicide.
5. The petitioner’s counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
6. The State’s counsel opposes bail and refers to the reply.
7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“5. That the investigating officer also took the test report from Head Mechanic, Amritsar (Rural) relating to the tractor which was used by the petitioner and co-accused Karan Singh in performing stunts and it was reported by the Head Mechanic, Amritsar (Rural) that the Diesel Pump of tractor was changed and Turbo pump was extra fitted on the tractor to increase the acceleration of the tractor and changes were made in gearbox of the tractor.

Role of the petitioner

6. That as per the version of the complainant Dalbir Singh, Lakhbir Singh (petitioner) after sharing common intention with the other nominated co-accused Karan Singh and Gurjant Singh performed the stunt on Ford Tractor driven by Lakha Singh and the petitioner Lakha Singh did a stunt by lifting the front portion of tractor and the front portion of the tractor



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fell upon his grandson Warispreet Singh, resulting into death of Warispreet Singh.

Evidence against the petitioner

7. That the evidence against the petitioner is in the form of oral statement of the complainant Dalbir Singh recorded under section 161 Cr.P.C. by the investigating officer, which is corroborated with the Post-Mortem report of Warispreet Singh. The investigating officer also took the test report from the Head Mechanic, Amritsar (Rural) relating to the tractor which was used by the petitioner and co-accused Karan Singh in performing stunts and it was reported that the Diesel Pump of tractor was changed and the Turbo pump was extra fitted on the tractor to increase the acceleration of the tractor and changes were made in the gearbox of the tractor.”

8. I have watched the video clip, and it clearly shows that the petitioner and his accomplice were driving a tractor on a public road at a dangerously high speed, and it is clear that they were doing motor sports.

9. The relevant portion of S. 100 of BNS, 2023, reads as follows:

100. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

10. The relevant portion of S. 106 of BNS, 2023, reads as follows:

106. (1) Whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if such act is done by a registered medical practitioner while performing medical procedure, he shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine

11. When someone does stunts on a public road, endangering public safety, and when the motor sport is not being conducted with the knowledge of the traffic control authorities and ample time has been given to them to take preventive steps, the acts of public stunt, it leads to death would fall in the definition of culpable homicide and if death is not caused then an attempt to cause culpable homicide and such acts would not fall only under section 106 BNS [Analogous to 304-A IPC, 1860] because of the requisite knowledge that such an act is likely to result into death or cause death. There is no reason to believe they would be unaware of the consequences of motorsport with a



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modified vehicle on a public road, and such conduct would depict a callous and unconcerned attitude towards the pedestrians and another vehicle on the road where they were doing a motor stunt. On the face of it, such an act would not fall under rash and negligent driving, but prima facie amounts to culpable homicide.

12. In the present case, the Tractor was modified by fitting an extra turbo pump to increase the acceleration. The video points towards its high speed on a public road. If a soft stand is taken towards such stunts, the roads, which are already unsafe, will become more unsafe for pedestrians and two-wheelers, which account for the maximum number of casualties for pedestrians and two-wheelers in road accidents in this region.

13. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. **Petition dismissed.** Interim order is recalled with immediate effect. All pending applications, if any, are disposed of.

**(ANOOP CHITKARA)
JUDGE**

19.12.2024

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.