



2026:CGHC:15141



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 601 of 2026

Pukeshwar Harmukh S/o Girish Harmukh, Aged About 24 Years R/o Ward No. 2 Pisegaon, District Durg C.G.

... Applicant

versus

State Of Chhattisgarh Through Station House Officer Of Police Station Pulgaon, District Durg C.G.

... Respondent

For Applicant : Shri Gagan Tiwari, Advocate.

For : Smt. Smriti Shrivastava, PL.

Respondent/State

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

01/04/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No.668/2025 registered at Police Station Pulgaon, Durg, District Durg (C.G.) for the offence punishable under Section 105 of BNS, 2023 & Section 184 of Motor Vehicle Act (offences u/s correctly mentioned).



2. Case of the prosecution, in brief, is that on 26.12.2025 at about 06:50 a.m., the deceased Ms. Uttara Harmukh was crossing the road after alighting from an auto-rickshaw near Kolhapuri Village, Pulgaon Chowk, which is a busy and crowded area. At that time, a heavy vehicle truck bearing registration No. CG-07/CT-8931, coming from the Rajnandgaon side, was allegedly being driven by the applicant/accused at a high speed and in a rash and dangerous manner. It is alleged that the said truck hit Ms. Uttara Harmukh from the front while she was crossing the road, causing her to fall down. The prosecution further alleges that the vehicle dragged the victim for about 20 meters and thereafter the driver/applicant fled from the spot without stopping or rendering any assistance. As a result of the said accident, Ms. Uttara Harmukh sustained serious injuries and died on the spot. On the basis of a report lodged by the informant Umesh Deshmukh, Pulgaon Police Station registered Crime No. 668/2025 against the driver of the said vehicle for the offence punishable under Section 105 of the BNS 2023 and Section 184 of the Motor Vehicles Act. The applicant was summoned and was arrested on 26.12.2025. Hence, the present bail application.
3. Learned counsel for the applicant submits that no prima facie offence under Section 105 of the Bharatiya Nyaya Sanhita, 2023 is made out, as the essential ingredients of intention or knowledge to cause death are entirely absent. It is contended that even if the prosecution case is taken at its face value, the allegations at best disclose an act of rash or negligent driving, and not an offence attracting Section 105 BNS. It is further submitted that the prosecution case is solely based on alleged



high speed, which by itself does not bring the act within the ambit of culpable homicide. There is no allegation of prior enmity, motive, or deliberate intention on the part of the applicant. He would submit that there was contributory negligence on the part of the deceased, who suddenly attempted to cross a busy road, leaving no reasonable opportunity for the applicant to avoid the accident. It is further contended that the allegation under the Motor Vehicles Act is unsustainable, as there is no material to show that the applicant was under the influence of alcohol or was medically unfit to drive at the relevant time. He would submit that the charge sheet has been filed in this case, the applicant is in jail since 26/12/2025 and conclusion of trial will take some time, therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and she would submit that charge sheet has been filed in this case before the competent court.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, submission of learned counsel for the parties, materials available on record, nature of allegation levelled against the applicant, period of detention of the applicant since 26/12/2025, charge sheet has been filed and also considering the fact that trial is likely to take some time for its conclusion, without commenting anything on the merits of the case, this Court is of the view that the applicant is entitled to be released on bail in this case.



7. Accordingly, the bail application is allowed and it is directed that the Applicant- **Pukeshwar Harmukh**, involved in Crime No.668/2025 registered at Police Station Pulgaon, Durg, District Durg (C.G.) for the offence punishable under Section 105 of BNS, 2023 & Section 184 of Motor Vehicle Act, be released on bail on his furnishing a **personal bond** with **two sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of



BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE