



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

**CRM-M-20538-2026**

**Reserved on:-29.04.2026**

**Pronounced on:-04.05.2026**

**Uploaded on:- 04.05.2026**

*Whether only operative part of the judgment is  
Pronounced or the full judgment is pronounced:                      operative part/full judgment*

**DHARAMPAL GULERIA**

**...Petitioner**

**Versus**

**STATE OF PUNJAB AND ANR.**

**....Respondents**

**CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present:- Mr. Randeep Singh Rai, Sr. Advocate (through V.C.) with  
Mr. Anurag Arora, Advocate for the petitioner.

Mr. Sahil Chowdhary, AAG, Punjab.

Mr. Rohan Gupta, Advocate  
for respondent No.2.

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**MANDEEP PANNU, J.**

1. This is the first petition filed under Section 528 of the Bharatiya  
Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) for  
quashing of FIR No. 360 dated 16.12.2024 (Annexure P-1), registered at  
Police Station Division No. 7, Ludhiana, District Police Commissionerate  
Ludhiana, initially under Sections 281 and 106 of the Bharatiya Nyaya  
Sanhita, 2023 (corresponding to Sections 279 and 304-A IPC). It is pleaded  
that during the course of investigation, Sections 105, 238 and 61 of the  
Bharatiya Nyaya Sanhita, 2023 as well as Section 75 of the Juvenile Justice  
(Care and Protection of Children) Act, 2015 were added, while the earlier



invoked provisions were deleted. Thereafter, upon completion of investigation, final report/challan under Section 193 of the BNSS, 2023 (Annexure P-13) was presented under Sections 105, 238 and 61 of the Bharatiya Nyaya Sanhita, 2023 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Subsequently, charge-sheet dated 05.12.2025 (Annexure P-14) was filed and charges have been framed under Sections 304, 201 and 120-B IPC along with Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, and the petitioner has sought quashing of the aforesaid FIR, charge-sheet and all consequential proceedings arising therefrom.

2. The facts and the allegations reveal that on 16.12.2024, a ruqa was received at Police Station Division No. 7, Ludhiana from Fortis Hospital, Ludhiana. Upon receipt of the said information, the Investigating Officer/ASI Sukhwinder Singh immediately reached the hospital, where the complainant met him and got his statement recorded. On the basis of this statement, FIR No. 360 dated 16.12.2024 was initially registered under Sections 281 and 106 of the Bharatiya Nyaya Sanhita, 2023 against the petitioner, co-accused Simranjit Singh (driver) and the school management, thereby setting the criminal law into motion. Subsequently, on the same day, the complainant furnished a typed supplementary statement before the Investigating Officer, on the basis of which offences under Sections 105, 238 and 61 of the Bharatiya Nyaya Sanhita, 2023 were added, while Sections 281 and 106 of the BNS were deleted, and a DDR No. 36 dated 16.12.2024 was recorded to that effect. During investigation, the school bus bearing registration No. PB-10FB-8106 was taken into police possession and the



driver, Simranjit Singh, was arrested on 16.12.2024 and produced before the Illaqa Magistrate on 17.12.2024, whereupon he was remanded to police custody for two days. During the course of police remand, the said accused suffered a disclosure statement on 19.12.2024, admitting that he possessed a LMV driving licence and that the owner of the vehicle was aware of the same. He further disclosed that although the bus had a seating capacity of 32, about 40–45 students were usually transported in it and that there was neither any conductor nor any lady attendant present in the bus at the time of the incident. He also stated that when the minor girl, Amayra, alighted from the bus, he proceeded under the impression that she had safely deboarded, however, the head of the child came under the front tyre of the bus, resulting in the fatal occurrence. After completion of police remand, the accused was again produced before the Magistrate on 19.12.2024, remanded for one day, and thereafter, on 20.12.2024, he was sent to judicial custody. The investigation further reflects that the Forensic Science Laboratory team visited the place of occurrence on 17.12.2024 and collected blood samples, which were taken into police possession. A blood-stained pillow cover and towel were also taken into possession from the medical room of the school. On the same day, three DVRs of the CCTV cameras installed in the school were seized by the police. The complainant also submitted statements of eyewitnesses, namely Harry son of Ashwani Kumar, Kunal Dhingra son of Munihar Dhingra and Anish Mehra son of Tilak Raj Mehra, which were taken into possession. On 18.12.2024, the Investigating Agency moved an application to the RTO, Ludhiana seeking relevant guidelines issued by the



Secretary, Transport Department, Punjab, which were supplied on the same day and taken on record as part of the investigation.

3. The petitioner contends that he has been falsely implicated in the present case despite having no role in the alleged occurrence, which, according to the prosecution itself, arose out of an accident caused by the bus being driven by co-accused Simranjit Singh. It is urged that the bus in question was not owned or operated by the school management but was being run by private transporters engaged directly by the parents, and therefore no responsibility can be fastened upon the petitioner. The petitioner asserts that he had, in fact, taken prompt steps after the incident by ensuring that the child was immediately taken to the school medical room and thereafter to Fortis Hospital, Ludhiana, and had also informed the police authorities without delay. It is further contended that there is no material on record to show that the petitioner committed any offence, and the FIR as well as the final report do not disclose any specific role attributable to him. The challan, according to the petitioner, has been filed merely on the basis of hearsay statements and not on any cogent or direct evidence. The ingredients of the offences invoked, including those under the Bharatiya Nyaya Sanhita and Section 75 of the Juvenile Justice Act, are stated to be wholly absent, as neither intention nor knowledge can be attributed to the petitioner, nor is there any allegation of cruelty, neglect or deliberate act on his part. The petitioner further submits that the prosecution case has been unnecessarily aggravated by introducing more serious offences after the initial registration of the FIR, allegedly under public and political pressure, even though the original version pointed only towards negligence. It is also argued that the



school does not provide transport facilities, and as per the records, the parents themselves had arranged private transport for the child, including furnishing details of the vehicle, driver and conductor, along with an undertaking accepting responsibility for transportation. The petitioner maintains that the school had been complying with the Punjab Safe School Vahan Policy and regularly issued instructions to transporters in that regard. It is lastly contended that the petitioner was arrested without justification and had to approach this Court for grant of regular bail, which was allowed. The continuation of criminal proceedings is stated to be an abuse of the process of law, as there is not even a *prima facie* case made out against him, and the entire prosecution is alleged to be based on conjectures, inconsistencies and extraneous considerations rather than any legally admissible evidence.

4. Learned State counsel, on the basis of the status report, has opposed the present petition and submits that the petitioner, being the Principal of BCM School, was responsible for the overall administration and safety of the students within the school premises where the unfortunate incident took place on 16.12.2024 resulting in the death of minor Amayra aged about 7 years. It is contended that the material collected during investigation clearly points towards the involvement and negligence of the petitioner. It is further submitted that the CCTV footage reveals that after the incident, certain school children and staff were made to clean the blood stains within the school premises and efforts were made to tamper with the video footage so as to falsely project that the occurrence had taken place outside the school premises. The statement of witness Ashish Mehra



recorded under Section 180 of the BNS indicates that he had seen the petitioner scolding a female staff member for not properly cleaning the blood stains and thereafter taking her aside, which reflects an attempt to manipulate the scene of occurrence. Another witness, namely Harry, has stated that he had earlier cautioned the petitioner regarding the risk involved in having only one gate for entry and exit of both buses and children, however, the petitioner ignored the said concern. It is also alleged that the petitioner was involved in tampering with the hard disk containing CCTV footage of the incident. On the strength of these allegations and the material collected, it is argued that a *prima facie* case is made out against the petitioner and the present petition for quashing deserves dismissal.

5. Learned counsel for the complainant submits he has no objection in case the present FIR is quashed qua the petitioner.

6. After hearing learned counsel for the parties and perusing the record, this Court is of the considered view that the present petition is devoid of merit and deserves to be dismissed. The inherent powers of this Court under Section 528 of the BNSS (analogous to Section 482 Cr.P.C.) are to be exercised sparingly, with circumspection and in the rarest of rare cases, primarily to prevent abuse of the process of law or to secure the ends of justice. It is well settled that while exercising such jurisdiction, the Court is not expected to conduct a mini trial or to meticulously examine the evidence as if adjudicating upon the guilt or innocence of the accused. At this stage, only a *prima facie* view of the allegations is required to be taken on the basis of the FIR, the final report and the material collected during investigation.



7. In the present case, a perusal of the record indicates that specific role has been attributed to the petitioner, who was the Principal of the school and thus responsible for ensuring safety measures within the premises. The material on record, including the statements of witnesses and the circumstances reflected in the status report, *prima facie* suggest that there were lapses in maintaining safety protocols, including the issue of a single gate being used for both vehicular movement and students, which had been brought to the notice of the petitioner earlier as well. The allegations regarding tampering of CCTV footage and cleaning of blood stains immediately after the incident also raise serious questions which cannot be brushed aside at this stage. The contention of the petitioner that the transport facility was privately arranged and that he had no role in the incident are matters which require appreciation of evidence and cannot be adjudicated upon in proceedings under Section 528 of the BNSS. Similarly, the plea that no intention or knowledge can be attributed to the petitioner is also a matter to be established during trial. At this stage, the Court is only required to see whether the allegations, if taken at their face value, disclose the commission of offences.

8. In view of the material collected during investigation, this Court finds that a *prima facie* case under Section 304 IPC (culpable homicide not amounting to murder) as well as under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is made out against the petitioner. The acts attributed to the petitioner, including alleged negligence in ensuring safety of children and subsequent conduct in relation to the incident, cannot be said to be so inherently improbable or absurd so as to



warrant quashing of proceedings at this stage. The law is equally settled that where the allegations disclose a cognizable offence and the matter requires evidence to be led, the proceedings ought not to be scuttled at the threshold. The defence of the accused, however plausible, cannot be examined at this stage. The disputed questions of fact, including the exact role of the petitioner, the nature of his responsibility, and the extent of his alleged involvement, can only be adjudicated upon after the parties lead evidence before the trial Court. Even though learned counsel for the complainant has stated that he has no objection to the quashing of the FIR qua the petitioner, such a submission cannot be made the sole basis for quashing in a case involving serious offences affecting society at large, particularly where the death of a minor child is involved. The offences alleged are not of a purely private nature but have wider ramifications concerning public safety and accountability.

9. In view of the above discussion, this Court finds no ground to exercise its inherent jurisdiction for quashing of the FIR or the subsequent proceedings. The petition is accordingly dismissed.

10. All pending applications, if any, also stand disposed of.

**(MANDEEP PANNU)**  
**JUDGE**

**04.05.2026**

Anu

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