



CRM-M-51665-20241

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-51665-2024

Date of decision : October 24, 2024

Sonu.....Petitioner

Versus

State of U.T.,Chandigarh....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Manpreet, Advocate, for the petitioner
Mr. Manish Bansal, PP, UT, Chandigarh

KULDEEP TIWARI,J. (ORAL)

1. Through the instant petition filed under Section 483 of the BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No. 156 dated 11.9.2023, under Sections 279, 337 IPC, (Section 304 IPC added later on), registered at Police Station Sector-17, UT, Chandigarh.
2. The instant case was registered on the statement suffered by one Satyajeet Kundra, and the relevant extract of the FIR reads as under:-

“Today at 5:45 A.M. in the morning I along with my friend Dr. Lakhwinder left the house on our two bicycles for cycling and reached Sukhna Lake Chd. We were on our way back to our home when we crossed Matka Chowk and reached near sector 16/17 light Point, it must have been around 7:15 A.M., when suddenly an auto rickshaw came from behind us at a very high speed and carelessly and hit us both from behind due to which we both fell on the road and both of us got very badly

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injured, auto turned over after the collision in which passengers were also there, I noted down the number of the auto HR68C-2955 and its driver also came to me, then PVR vehicles brought us all for treatment to GH-16 CHD. This accident was accused by the driver of Auto No. HR68C-2955 by driving his Auto at a very high speed, careless by hitting it from behind, I can recognize the driver of Auto no. if I see him in front of me.”

3. In the instant case, an unfortunate accident has occurred, in which one person has died, and two persons have suffered injuries. The present petitioner has also suffered injuries in the said accident.

4. Learned counsel for the petitioner, in asking for the relief of regular bail, submits that the petitioner has suffered incarceration of 01 year 22 days, as on today, and he is not involved in any other case. She further submits that it is not the case of the prosecution that the petitioner was under the influence of alcohol, when the alleged accident took place. While referring to the contents of the FIR, she also submits that, if the said allegations are taken as gospel truth, at the most, offence under Section 304-A IPC, is made out, which is punishable only upto two years. She in addition submits that, whether, the offence under Section 304 IPC, under which the petitioner is facing trial, is made out or not, is a moot question of law, which is yet to be established by the prosecution by leading cogent evidence.

5. The prayer as made by the learned counsel for the petitioner is strongly opposed by the learned Public Prosecutor, UT, Chandigarh. He has placed on record the custody certificate qua the petitioner. The learned



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Public Prosecutor fairly admits that it is not a case that the petitioner was under the influence of alcohol, when the alleged accident took place. He further informed this Court that in the instant case, final report was filed on dated 22.11.2023, and the charges were framed on dated 5.6.2024. He further informed this Court that the prosecution has cited a total of 26 witnesses in the final report, whereas, only one witness has been examined so far.

6. Be that as it may, without commenting upon the merits of the case, and considering the nature of the allegations, days of incarceration suffered by the petitioner, the fact that the petitioner is a man of clean antecedents, and the stage of the trial which is at the very initial stage, this Court deems it appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

October 24, 2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No