

2025:PHHC:053247



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

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CRM-M-1973-2025

Date of decision: April 24, 2025

VINAY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Parul Saini, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.214 dated 11.07.2024 under Section 105 of BNS, 2023, registered at Police Station Section 13/17, District Panipat (Annexure P-1).

2. Learned counsel for the petitioner has contended that the allegations levelled against the petitioner in the FIR in question (Annexure P-1) do not even remotely attract the ingredients of Section 105 BNS, inasmuch as no bodily injury is stated to have been caused by the petitioner. It is submitted that as per the prosecution's own version, the deceased was riding the motorcycle at the time of the accident, while the petitioner was only a pillion rider and had no control over the vehicle.

3. It is further contended that as per the allegations levelled, the petitioner failed to inform the family of the deceased after the motorcycle, on which both of them were riding, met with an accident and left the scene



of the accident. Learned counsel has argued that while such conduct may appear unsympathetic, it does not, in itself, constitute the offence punishable under Section 105 BNS. It is also submitted that the petitioner has now been in custody since 12.07.2024, challan stands presented and even charges stand framed. However, none of the 17 prosecution witnesses have been examined so far. Hence, the possibility of the trial concluding in the near future does not arise.

4. In addition, learned counsel for the petitioner has also drawn the attention of this Court to the postmortem report (Annexure P-3), which describes the nature of the injuries sustained by the deceased. Learned counsel submits that the injuries reflected in the postmortem report of the deceased are consistent with a road traffic accident and not suggestive of any assault or intentional harm, thereby negating the applicability of Section 105 BNS.

5. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, does not dispute the fact that the petitioner has been in custody since 12.07.2024. Learned State counsel, on further instructions, does not dispute that the petitioner was a pillion rider at the time of the incident and the chargesheet has been filed and charges have already been framed. Learned State counsel has also not disputed and none of the 17 prosecution witnesses have been examined so far. However, learned State counsel has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder: -



“Respected Sir, it is requested that I, Dharambir Saini son of Shri Prabha Ram Saini, am the resident of Village Gadhsarnai. I have four children. Among them, the eldest son, Rahul, aged about 21 years, went to the fields on 10.07.2024 at around 10 O'clock and did not return home by morning. Later, we received information that Rahul's dead body was lying near the fields of Sardars, by the roadside.

When I, along with my family, reached the spot, I found the dead body lying by the roadside. Near the body, some broken parts of a motorcycle (silver color) were found, and Vinay's slipper was also found near the body. Observing these circumstances, we suspect Vinay. Therefore, I request your good self to take legal action against Vinay.”

6. I have heard learned counsel for the parties and perused the relevant material placed on record.

7. It emerges from record that the petitioner was a pillion rider on the motorcycle being driven by the deceased himself. *Prima facie*, there is no material to suggest that the petitioner had any role in causing the accident, which lead to the death of the deceased. The case is now posted for prosecution evidence. The possibility of the trial concluding in the near future seems unlikely.

8. Having regard to the totality of the circumstances, this Court deems it fit to allow the instant petition, and extend the concession of regular bail to the petitioner.



9. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

April 24, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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