

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18717-2025 (O&M)
Reserved on: 06-08-2025
Date of decision: 26.08.2025

Mohd. Sahir
.....Petitioner(s)
Versus
State of Haryana
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Omkar Chauhan, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
695	14.11.2024	Sector 29, Panipat	105, 110 BNS

1. The petitioner, incarcerated in the FIR captioned above, came before this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 11 of the bail petition, the accused declares that there are three more FIRs registered against him, but he has not mentioned the numbers thereof. However, as per the custody certificate and reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	454/2024	14.11.24	125, 281, 324(4) BNS	Tehsil Camp, Panipat
2.	806/2024	14.11.24	105 BNS	Chandni Bagh, Panipat
3.	696/2024	14.11.24	105 BNS	Sector 29, Panipat

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“.... That the brief facts of the prosecution case is that on 14.11.2024, MHC gave information to SI Krishan Kumar, Police Station, Sector-29, Panipat that two dead bodies were brought in the Civil Hospital, Panipat on account an accident near flyover, G.T. Road BBMB cut. On getting this information, SI Krishan Kumar reached Civil Hospital, Panipat where Ct. Sandeep along with complainant and his family members were present. Complainant Dalbir gave complaint alleging therein that he was labourer and he was having two sons. His younger son Aniket was going to village Pawti with Suraj on his motorcycle make Hero Honda Splender. When Aniket and Suraj reached BBMB

flyover, one truck bearing registration No. RJ-14GP-9965 came in wrong side in a rash and negligent manner. The truck driver tried to be stopped but he did not stop. The truck driver also dragged one motorcycle for about 01 kilometer. The truck driver hit the motorcycle of his son Aniket and Suraj resulted in their death. The complainant alleged that the truck driver caused the alleged occurrence deliberately and request for taking action against the truck driver.”

4. The petitioner's counsel prays for bail and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He has no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and refers to paragraph 2(vii) of the reply, which reads as follows:

“(vii) That on 19.11.2024, CCTV footage from the cameras installed at Sartaj Dhaba was obtained and taken into police possession as evidence from the owner of Sartaj Dhaba. He also produced his certificate u/s 63 of BSA, 2023. The perusal of the CCTV footage revealed that Truck No. RJ-14-GP-9965 was going in the wrong direction in front of Sartaj Dhaba and at night, truck was found to be parked at Manu Da Dhaba, G.T. Road, Panipat near Sartaj Dhaba.”

REASONING:

6. As per paragraph 3 of the reply, the charges have yet to be framed in the present matter, and the petitioner is already in custody.

7. It shall be appropriate to reproduce paragraph 4 of the reply, which reads as follows:

“4. That the **role of the petitioner** is that he was driving the truck bearing registration no. RJ-14-GP-9965 in a rash and negligent manner in the wrong side. While driving, he firstly hit motorcycle of injured Narender in which Narender suffered injuries which were dangerous to life and then he also hit the motorcycle of deceased Aniket and deceased Suraj and crushed them to death. The petitioner has also admitted to his role in crime and got recorded his disclosure statement to the effect that he had hit 4 to 5 motorcycles and cars in this manner on 14.11.2024 in different areas of Panipat. The investigation of the case found that in this regard, Police of District Panipat had registered **three other cases** against the petitioner in different areas i.e.

(i) FIR No. 696 dated 14.11.2024 u/s 105 of BNS registered at P.S Sector-29, District Panipat. The case is pending trial.

(ii) FIR No. 806 dated 14.11.2024 u/s 105 of BNS, P.S. Chandni Bagh, District Panipat. The case is pending trial.

(iii) FIR No. 454 dated 14.11.2024 u/s 125, 281, 324 of BNS, P.S. Tehsil Camp, Panipat. He is on bail in this case

and the case is pending trial.”

8. Undoubtedly, there is digital evidence connecting the petitioner with the crime, and the possibility of the petitioner’s involvement in causing the accident is quite significant. However, this Court is not deciding the trial but only deciding the bail application.
9. Per paragraph 7 of the bail petition, the petitioner has been in custody since 14.11.2024. Per the custody certificate dated 02.08.2025, the petitioner’s total custody in this FIR is 8 months and 18 days.
10. Given the penal provisions invoked vis-à-vis pre-trial custody, coupled with the *prima facie* analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
- | | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.
15. It is clarified that if the petitioner violates any bail condition, the State may apply for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial Court is empowered to do so.
16. Any observation made hereinabove is neither an expression of opinion on the case's

merits nor shall the trial Court advert to these comments.

17. The perusal of the petitioner’s criminal history points towards two more offences under 105 BNS. As such, the concerned authority should cancel his licence immediately and assess whether the petitioner knows how to drive and possesses other driving skills. He must be asked to reappear for a driving test, as suggested herein after.

18. Petition allowed in terms mentioned above. All pending applications, if any, are disposed of.

26.08.2025
anju rani

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned	YES
Whether reportable	YES