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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38380-2024 (O&M)

Date of Decision: 29.04.2025

Manan Aggarwal

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Hemant Shrivastava, Sr. Advocate with
Mr. Anunay Shrivastava, Advocate and
Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Keshav Pratap Singh, Advocate
for the victim-side.Mr. Sayyam Batra, Advocate
for the FIR-complainant

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.63 dated 23.02.2024, registered for the offences punishable under Sections 304/114 of IPC (Sections 279, 338 and 304-A of IPC deleted later on) at Police Station Sector-27, District Sonipat, Haryana.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To SHO, SEC 27 Sonipat. Respected Sir, It is submitted that I Rishika Singh D/O Ranvijay Singh A-602 Saraswati Apartment Gomti Nagar Extension Lucknow Uttar Pradesh presently student of B.A. Legal studies Jindal Global University Sonipat. Today on 23.02.2024 at 6:00 AM I, Khvati, Jiva, Manan and one taxi driver started from golden Hut for campus. Manan took vehicle from driver and started driving the same Khyati and Jiya were sitting on the back seat. Taxi driver was sitting on passenger seat. Manan was driving the vehicle at fast speed, all of us told

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him to drive slowly but Manan continued driving at fast speed. Time was 6:20. Initially he took a sharp turn for overtaking a truck due to which we went on one side and again he took a sharp turn and vehicle turned turtle. Vehicle hit electricity pole and that pole fell on the vehicle. Thereafter all of us with great difficulty came outside. Jiya and Khyati expired on spot. All of us were brought to Tulip hospital where I am getting treatment. Vehicle number was HR 26 BG 4327 Corolla. I have submitted my complaint with regard to the incident. Action be taken as per rules. SD Rishika Singh 8299012054 (230224).”

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 27.05.2024. Learned senior counsel for the petitioner has urged that the petitioner has been falsely implicated into the FIR in question. Learned senior counsel has iterated that there is no whisper of alcohol in the medical report of the petitioner-accused and the Investigating Officer has specifically stated in his cross-examination (when examined as prosecution witness) that no material has come out against the petitioner that he had consumed alcohol or was under the influence of any intoxication at the relevant time. Learned senior counsel has submitted that the petitioner is a young man aged about 20 years. Learned senior counsel for the petitioner has, further implored the case of the petitioner, by arguing that out of total 18 cited prosecution witnesses, 16 already stand examined and thus there is no likelihood of the petitioner interfering with the prosecution evidence. Learned senior counsel has urged that though there is another FIR registered against the petitioner but the same has been compromised/settled. Thus, regular bail is entreated for.

4. Learned State counsel (assisted by Mr. Keshav Pratap Singh, learned counsel for the victim and Mr. Sayyam Batra, learned counsel for the FIR-complainant) have argued that there are serious allegations against the petitioner, who has caused homicidal death of two persons, on account of his driving under intoxication. It has been further argued that, on the date of the occurrence, the petitioner was not possessing a valid driving license.

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It has been further iterated by the learned counsel that a threat had earlier been extended by the family of the petitioner to the FIR-complainant and thus there is all the likelihood that in case the petitioner is released on bail, he is likely to interfere with the prosecution evidence. It has been further urged that the police has not carried out the investigation in the correct perspective and an application for sending the sample of the petitioner to CFSL is pending adjudication before the concerned court. On strength of the submissions, dismissal of the petition in hand is sought for.

5. I have heard counsel for the parties and have gone through the available records.

6. The petitioner was arrested on 27.05.2024 whereinafter investigation was carried out & challan was presented on 26.07.2024. Total 18 prosecution witnesses have been cited out of which 16 admittedly stand examined. The contentions raised by rival counsel give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into the same, at this stage, *lest* it may prejudice the trial. It is not in dispute that the petitioner was earlier arraigned for an offence under Section 304-A of IPC and he was granted bail on 25.02.2024 *whereinafter* the offence under Section 304 of IPC was invoked against the petitioner on 09.05.2024. Nothing perceptible is forthcoming to show that petitioner has ever misused such concession. Further, nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence especially in view of the fact that 16 prosecution witnesses out of 18 total cited witnesses have already been examined.

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As per the custody certificate dated 28.04.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 11 months and 02 days.

The petitioner is said to be involved in another FIR under Sections 148, 149, 323 and 506 of IPC. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1) R.C.R. (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das vs. State, 1998(2) R.C.R. (Criminal) 477*** & judgments of this Court in ***CRM-M-38822-2021*** titled as ***Akhilesh Singh vs. State of Haryana***, decided on 29.11.2021 and ***Balraj vs. State of Haryana, 1998(3) R.C.R. (Criminal) 191***.

Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual milieu of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.



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- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

29.04.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No