



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

CRM-M-37292-2025

Date of decision: 12th August, 2025

Amman Ahsan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Cheema, Senior Advocate with
Ms. Sumanjit Kaur, Advocate for the petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the third petition filed by the petitioner seeking grant of regular bail in case bearing FIR No. 123 dated 10.05.2024 registered under Sections 304 and 427 of IPC at Police Station Sadar Kharar, District SAS Nagar. The previous two petitions as filed by him, had been dismissed as withdrawn.

2. The aforementioned FIR was registered on the basis of the statement recorded by the complainant Harpreet Singh on 10.05.2024, alleging therein that on the night of 09.05.2024, he was taking a stroll on the service road in front of his house, when a car bearing registration No. HR70-E-7460 make *Skoda*, came from Mullanpur side. It was driven recklessly and at a high speed. Within the sight of the complainant, its driver hit the car into an Activa vehicle going ahead of it. The activa vehicle as well as its driver got stuck under the *Skoda* car but the driver thereof, instead of halting the



car, sped up the same and dragged the activa and its driver for a long distance. Thereafter, the offending vehicle rammed into an electric pole and overturned. The occupant sitting on the conductor side of the car with a jerk, fell through the front windshield onto the road. The petitioner and some other passers-by who witnessed the occurrence immediately rushed to the spot and took out the driver of the car as well as one youth sitting on the rear seat. They disclosed their names as Amaan Ehsaan and Abroz Masih, respectively. They also disclosed the name of the third occupant who had fallen out of the car as Joban Sandhu. The complainant then noticed that the activa driver was none other than his own father, Sh. Ajmer Singh Sagar. His leg had been amputated due to the accident and he had died at the spot. One ambulance and PCR van had reached at the spot in the meanwhile and had taken the victims to the hospital.

3. As per the allegations, a case under Sections 304 and 427 of IPC was registered. Investigation proceedings were initiated. The vehicles involved in the accident were taken into possession by the police. The petitioner, who was the driver of the offending car had also sustained injuries and was given treatment. His blood samples were taken and sent to the chemical laboratory. Ethyl alcohol was found positive in those samples. The search of the offending vehicle was conducted on 10.05.2024 and one small packet along with foil paper and an envelope was found kept therein. On weighing, the envelope weighed 05 grams. It was also sent for FSL examination and it was reported that 05 grams of methamphetamine was kept therein. After completion of necessary investigation and usual formalities, challan was presented in the Court. The petitioner was initially



charge-sheeted under Sections 304 and 427 of IPC. The charges were subsequently amended and he was charge-sheeted under Section 22 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') and alternative charge under Section 304-A of the IPC was also framed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case for the commission of offence punishable under Section 304 of IPC. The petitioner was not under any intoxication. He had simply lost control over the car when the airbags were opened after hitting the activa vehicle driven by the father of the complainant. The complainant was not an eye-witness to the occurrence and has concocted a false story. There is unexplained delay in lodging of the FIR. The cause of death of the victim Ajmer Singh, has not been mentioned in the post-mortem report. It is further argued that even though a chance recovery of contraband is alleged to be effected from the car driven by him, however, no procedure of seizure of contraband under the provisions of the NDPS Act was followed. The parcel containing contraband was never produced before the Court. No sample was drawn from the recovered article for analysis. The car remained unattended on the road for a long duration of time and the possibility of planting the packet of contraband at that time cannot be ruled out. The alleged recovery of 05 grams of methamphetamine from the car is whipped up into existence by several procedural irregularities. No case under the provisions of NDPS Act is made out against him. He has been in custody for a period of more than one year and three months. Trial will take considerable time to conclude. It is, therefore, argued that he deserves to be released on bail.



5. Status report has been filed. It is argued by learned State counsel that the allegations as levelled against the petitioner are grave as he had driven his vehicle under a state of intoxication and had caused death of two persons by driving his vehicle rashly and recklessly while fully knowing that death could be caused due to such driving. Recovery of contraband was effected from the vehicle driven by the petitioner, *prima facie* showing his involvement in offence under Section 22 of NDPS Act. It is argued that the trial is going at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion thereof. With these broad submissions, it is urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

7. The petitioner is alleged to have driven his vehicle bearing registration No. HR70-E-7460 recklessly and at a high speed on 09.05.2024 and then to have hit the father of the complainant, who was riding an activa vehicle thereby causing death of one of the occupants of his own vehicle as well as of father of the complainant. The petitioner himself had sustained injuries in the same incident. He is in custody since 10.05.2024. The allegations that contraband was recovered from his vehicle as well as the allegations that he committed the offence of culpable homicide not amounting to murder of the victims, and that it was not a case of causing death by negligence, have to be determined on the basis of thorough assessment of the evidence to be produced during trial, by the trial Court and not at this stage. Keeping in view the nature of the allegations levelled against the petitioner, the period of his incarceration, and the well settled



proposition of law is that incarceration during trial should not be a replica of post-conviction sentences, this Court is of the considered opinion that the petitioner makes a case for release on bail at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released subject to his furnishing personal as well as surety bonds to the extent of two sureties to the satisfaction of the Illaqa/Duty Magistrate/Chief Judicial Magistrate concerned and further subject to the condition that he shall surrender his passport before the learned trial Court at the time of furnishing bonds, shall not leave the country without the permission of the trial Court and shall also disclose his personal identification details like Aadhar Card number, cell phone number(s) and e-mail ID (if available). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

12th August, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*