



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42324-2024
Date of decision: 07.01.2025

RAIS QURESHIPETITIONER

Versus

STATE OF HARYANARESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Namit Khurana, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C.,
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
357	23.07.2024	105, 125(A) of BNS and 4 (181) of Motor Vehicles Act.	Dabua, Faridabad.

2. Learned counsel for the petitioner submits that in compliance to the order dated 30.08.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 30.08.2024.
3. Learned State counsel, on instructions from ASI Ajit Singh, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.
4. During the course of hearing on 30.08.2024, following order was passed:



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“It is the case of prosecution that one Thar vehicle, which was being driven by its driver in a rash and negligent manner, hit against a motorcycle as a result of which one person sustained injuries and another person sitting on the motorcycle died in the said accident.

Learned counsel for the petitioner submitted that the petitioner is being nominated as an accused in the present case on the premises that he is owner of the vehicle in question, whereas on the date of accident he was not present in the city where the accident took place and was away to Vadodara as would be evident from the copies of air tickets annexed with the petition as Annexure P-2.

Learned counsel for the petitioner further submitted that it is perhaps a case where in the absence of the petitioner his son aged 18 years had taken away his vehicle. It has further been submitted that, in any case, even as per the case of prosecution it was not the petitioner’s son, who was driving the vehicle, but was one Jaskirat, who is stated to be friend of petitioner’s son. Learned counsel submitted that, under these circumstances, the petitioner cannot be saddled with any vicarious liability being owner of the vehicle in question inasmuch nor his son was driving the vehicle at the given point of time.

Notice of motion for 7.1.2025.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”



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5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 30.08.2024 passed by this Court, interim bail granted vide order dated 30.08.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

07.01.2025
kanika

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |