



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M No.45238 of 2025
DATE OF DECISION : 26th SEPTEMBER, 2025

Manoj @ Manav

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

* * * *

Present : Mr. Rahul Bhargava, Advocate &
Mr. Tanveer Singh, Advocate for the petitioner.
Ms. Diya Sodhi, Sr. DAG, Haryana.
Mr. K. B. Raheja, Advocate for the complainant.

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RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.143, dated 13.05.2024, under Sections 323, 325, 302, 307, 506 & 34 IPC, registered at Police Station Sector 50, Gurugram, District Gurugram.
2. Succinctly the facts of the case are that the FIR has been registered on the statement of complainant, namely, Ranjak Jasuja. It was alleged by the complainant that on 13.05.2024 i.e. date of occurrence, his servant Rishab Karmakar came to his house in a taxi and the taxi was parked in front of his house. He saw that his neighbor Manoj (petitioner) has parked his Creta car bearing registration No. HR-26-ED-6018 in the middle of the road and due to the wrong parking, the dispute



arose. Manoj was already armed with a *danda* in his hand. Rishab Jasuja (deceased) brother of the complainant also came with him (complainant). On hearing the commotion, his mother, wife, uncle and 3-4 other persons also came on the spot. The friend of Manoj, who was wearing cap and took a stick from Manoj and hit on the head of complainant and to the mother of the complainant and in the meantime on account of grudge of the alternation, Manoj sat in his car and he started running over the vehicle on us with intention to kill us. However, I (complainant) hanged on the bonnet of the car but Manoj did not stop the vehicle and he continuously kept driving and after covering a distance he fell down. Thereafter, he (complainant) saw his brother Rishab Jasuja having fallen down in front of the vehicle and Manoj ran over him with his car with intention to kill him. Manoj and his family members fled away from the spot. Request was made to take legal action. On the registration of the FIR investigation commenced. The petitioner was arrested on 19.05.2025. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. On the examination-in-chief of the complainant the application under Section 319 Cr.P.C. was filed for summoning the additional persons to face the trial. However, the application has been dismissed by the trial court vide order dated 15.09.2025. The petitioner approached the Court of learned Additional Sessions Judge, Gurugram praying for grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Gurugram declined the bail application filed by the petitioner vide order dated 17.01.2025. Being aggrieved, the



petitioner earlier also approached this court by filing CRM-M No.5036 of 2025 for grant of bail, however, the same was dismissed as not pressed vide order dated 25.03.2025. Hence, the present second petition has been filed praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that as is evident from the facts and circumstances of the case, that although the parties are immediate neighbours, however, the dispute has arose on account of parking. He further submits that the petitioner had allegedly run over the deceased. But as the dispute has arisen among the family he started leaving the place to save himself, whereas the complainant hanged on the bonnet of the car of the petitioner, as is evident from the allegations made in the FIR itself. Even if the deceased has died of running over the vehicle, the same was totally unintentional and the offence under Section 302 IPC would not be attracted in the peculiar facts and circumstances of the case. He submits that the application under Section 319 Cr.P.C. has also been declined by the trial court. The petitioner is behind the bars since 16.05.2024. To buttress his arguments the counsel for the petitioner submits that there is no criminal antecedent of the petitioner as he is not involved in any other case. Thus in the facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that there are specific allegations against the petitioner that he was armed with a *danda*. It is the petitioner, who



despite having been resisted by the complainant side, kept on driving the vehicle and thus by his conduct, the offence under Section 302 IPC is made out against the petitioner.

5. The counsel for the State also opposed the submissions made by counsel for the petitioner. She has submitted that from the facts and circumstances of the case and the conduct of the petitioner the offence under Section 302 IPC is made out. She on instructions submits that examination-in-chief of the complainant has already been completed and the application filed under Section 319 Cr.P.C. is declined by the trial court. She has produced custody certificate of the petitioner today in the Court and the same is taken on record.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that the accused side and the complainant side are the neighbours. The dispute had arisen in the present case on account of parking of vehicles. Whether the offence under Section 302 IPC is made out or not would be subject matter of the outcome of the trial and can be decided only after weighing the evidence led by both the sides. The petitioner is behind bars since 19.05.2024. Custody certificate produced would show that the petitioner has completed an incarceration of 01 year, 04 months and 07 days as on 25.09.2025. The petitioner has no criminal antecedents.

8. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:



“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

9. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

10. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeed in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case

26th September, 2025
'raj'

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No