

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

Crl. Misc. No. M-32633 of 2014

Date of decision: 29.01.2015

Jagdip Singh

...Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. O.P. Hoshiarpuri, Advocate,
for the petitioner.

Mr. Gurvir Sidhu, AAG, Punjab.

Mr. Sandeep Arora, Advocate,
for the complainant.

RITU BAHRI, J.

This petition under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case F.I.R No. 120 dated 01.08.2014, under Sections 279, 304-A IPC (Section 304 IPC added later on), registered at Police Station, Division No.2, Jalandhar, District Jalandhar.

As per the allegation in the FIR, son of the complainant namely Arush Arora, aged about 4½ years, fell down and crushed under the rear tyres of school bus bearing registration No.PB-08-AE-9153. The said bus was being driven by Jagdeep Singh-petitioner, who was not carrying an appropriate licence to drive a heavy vehicle. Resultantly, a case under Sections 279 and 304-A IPC was registered by the police. One Mandeep Singh was conductor of the said bus and his conduct was negligent, as he did not close the door of the bus in a proper manner. Subsequently, Section 304 IPC was added in the FIR.

Bail application of the petitioner was rejected by the Additional Sessions Judge, Jalandhar, vide order dated 04.09.2014 (Annexure P-1) on the ground that he was driving heavy vehicle without a valid licence and he should have taken extra caution while carrying children to the School. Even if, the petitioner was having a valid licence, he was expected to drive cautiously.

The petitioner has been in custody since 04.08.2014.

Learned State counsel, on instructions from ASI Simranjit Singh, has informed the Court that after presentation of challan, charges have been framed against the accused-petitioner on 19.11.2014 and there are 15 prosecution witnesses, to be examined in this case.

Heard.

Keeping in view the period of incarceration of the petitioner and the fact that trial may still take some time to conclude, this court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and petitioner is ordered to be enlarged on bail to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

(RITU BAHRI)
JUDGE

29.01.2015
ajp