

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

**CRM-M No.19942 of 2015 (O&M)
Date of Decision: 29.04.2016**

Randhir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by A.S.I. Baldev Raj.

Mr. Arshdeep Singh Brar, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Randhir Singh in case FIR No.94 dated 16.11.2013, under Sections 279, 304-A, 337, 338, 427 of the Indian Penal Code (Sections 304, 308, 34, IPC added later on) [Sections 302 and 307, IPC added vide order dated 21.09.2015], registered with Police Station Haibowal, District Ludhiana City.

The complainant-Balbir Singh lodged an FIR with the allegations that his son-Santokh Singh along with cousin-Joginder Singh was coming back on a motorcycle on the night of 15.11.2013 at around 10:30 PM, when a tractor with rotavator came from the opposite side in a rash and negligent manner being driven by the petitioner/accused-Randhir Singh. There was head on collision, resulting into the death of Santokh Singh and injuries to Joginder Singh. Initially, the FIR was registered *inter alia* for the offence

under Section 304-A, IPC as a roadside accident. The petitioner was arrested on 29.11.2013 and the offence being bailable was released on bail on the same day.

Upon further investigation, the offence under Sections 304, 308, 34, IPC were added in the light of the statement made by the injured-Joginder Singh on 08.12.2013 alleging that the petitioner/accused accompanied by 4/5 unknown persons had caused injuries to the deceased-Santokh Singh and injured-Joginder Singh.

The petitioner was re-arrested on 08.05.2015 and is in custody since then. The challan was accordingly presented on 01.08.2015.

It transpires that on the representation of the wife of the petitioner/accused, further investigations were conducted and it was found that it was a case of roadside accident and accordingly a supplementary challan was presented on 19.08.2015 reducing the offence to that of under Section 304-A, IPC, however, learned trial Court at the time of framing of charge has enhanced the offence to under Sections 302, 307, IPC, vide order dated 09.09.2015.

It is contended that soon after the accident, the version of the complainant was of a roadside accident as is apparent from the Post Mortem Report itself. The injured-Joginder Singh remained in the hospital from 16.11.2013 till 24.12.2013 and as per the medical record, he had become fully conscious, cooperative and stable at least w.e.f. 22.11.2013, and yet no version with allegations of inflicting the injuries surfaced till 08.12.2013.

It is a conceded fact that the Investigating Officer did not seek to record the version of the injured-Joginder Singh. Thus, it is contended that false allegations of inflicting the injuries have been foisted upon the accused party due to political rivalry in the village.

The petitioner is stated to be in custody since 08.05.2015.

It is further submitted that the evidence of 01 PW and examination-in-chief of the injured-Joginder Singh has been completed till now.

Learned Counsel for the complainant has vehemently opposes the grant of bail to the petitioner.

Learned State Counsel, assisted by ASI Baldev Raj, is unable to refute the aforesaid factual contentions.

Without commenting on the merits of the case, keeping in view the above factual contentions, custody period and the fact that the trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

April 29, 2016
Gagan

(JASWANT SINGH)
JUDGE