

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21365 of 2016 (O&M)
DECIDED ON: August 19, 2016

HAKAM SINGH

....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. B.S. Jatana, Advocate,
for the petitioner.

Mr. P.S. Paul, DAG, Punjab.

JASPAL SINGH, J.(Oral)

CRM-25528-2016

This is an application for amendment of subsequently added Section 337 IPC and Section 177 of the Motor Vehicles Act in FIR No. 43, dated 25.04.2016 along with other sections in main case.

For the reasons mentioned in the application, it stands allowed.

Main case

This is a petition preferred under Section 439 of the Code of Criminal Procedure by Hakam Singh, seeking bail, in case FIR No.43, dated 25.04.2016, under Sections 304, 427 IPC and subsequently added Sections 337 IPC and 177 of the Motor Vehicle Act, Police Station Budhlada, District Mansa, during the pendency of trial.

2. Shortly put the allegations contained in the FIR are that on 25.04.2016 at about 11:30 A.M., when the complainant reached Bharti Sheller

in the area of Police Station Budhlada, an accident took place involving Truck bearing No. PB-13-A-8731 driven by Hakam Singh-petitioner, in which, Gurwinder Singh, who was a pillion rider of motorcycle sustained injuries and died. Subsequent thereto, the instant FIR was registered and investigation was put into motion.

3. It is an undisputed fact that the petitioner was arrested on 27.04.2016. Though, he was subjected to custodial interrogation but nothing incriminating was recovered from him. It is also an undisputed fact that after the completion of investigation, report under Section 173 (2) Cr.P.C. has already been presented and now, the trial is listed for framing of charge. Though, it appears to be a simple case of accident but for the reason known to the investigating agency, offence under Section 304 IPC has been attracted instead of Section 304-A IPC.

4. Taking into consideration the aforesaid aspects of the case but without expressing any opinion with regard to the nature and commission of the offence, instant petition is allowed and the petitioner is ordered to be released on bail, during the pendency of trial, subject to his furnishing requisite bail bonds, at the satisfaction of trial court/Duty Magistrate.

August 19, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No