

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-22909 of 2016

Date of Decision: 15.07.2016

Ishwar Singh alias Ishwar Chand

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Sunny Singh, Advocate
for the petitioner.

Mr. Arshdeep Singh Kler, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.19 dated 17.2.2016 under Sections 279, 304A, 338, 427 IPC (subsequently enhanced to Sections 304, 307, 325, 427, 308 IPC) registered at Police Station City Budhlada, District Mansa.

Learned counsel for the petitioner contends that after registration of the aforesaid case, challan has been presented and charge has been framed under Section 304, 307, 325, 427 IPC vide DDR No.17 dated 22.4.2016. The petitioner is in custody since 22.2.2016.

Learned State counsel, on instructions from SI Baldev Singh, submits that since the petitioner has been charged for offence under Section 307 IPC, he is not entitled for bail.

I have heard learned counsel for the parties.

It is not in dispute that the present FIR has arisen on account of an accident caused by the petitioner on 17.2.2016 and at that point of time, the FIR was registered under Section 279, 304-A, 338 and 427 IPC. The fact as to whether the petitioner has committed the offence under Section 307/325 is yet to be ascertained during the course of trial. Considering the fact that the petitioner is in custody since 22.2.2016 and the trial will take sufficiently long time, the present petition is allowed. The petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Mansa.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

July 15, 2016
AK

(HARI PAL VERMA)
JUDGE