

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-23940 of 2016
Date of Decision: 22.07.2016

Vishnu Dass @ Bishan Dass

...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. Harsh Neyol, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, 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.201 dated 29.10.2015 under Sections 304/427 IPC registered at Police Station Zira, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner is a bus driver and the allegation against him is that while driving the bus on wrong side, he hit the motorcycle being driven by father-in-law of the complainant, which resulted into death of three persons including father-in-law and two pillion riders. He submits that though in the FIR, it has been

mentioned that the complainant has brought the dead bodies to the hospital, but as per post mortem report (Annexure P-2), ASI Gurdeep Singh and HC Trilok Singh had brought the dead bodies to the hospital. He further submits that the petitioner is in custody since 9.2.2015 and since trial in the case will take sufficiently long time, he be released on regular bail.

Learned State counsel, on instructions from ASI Kulwant Singh, submits that in the case in hand, charges have been framed and the prosecution evidence is yet to be started. However, since the petitioner has caused death of three persons, he is not entitled for bail.

I have heard learned counsel for the parties.

The fact as to whether the petitioner has committed the offence under Section 304/427 IPC is yet to be determined during the course of trial. Considering the fact that the petitioner is in custody since 9.2.2015 and the prosecution evidence has not yet started and thus, 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, Ferozepur.

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

July 22, 2016
AK

(HARI PAL VERMA)
JUDGE