

CRM-M No.25434 of 2016

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

**C.R.M-M No.25434 of 2016
Date of Decision : 28.09.2016**

Kapil Dev

..... Petitioner

versus

State of U.T. Chandigarh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Yashdeep Nain, Advocate
for the petitioner.

Mr. P.S. Sullar, Standing Counsel
for the U.T. Chandigarh.

AJAY TEWARI, J. (Oral)

This is a petition which has been filed under Section 439

Cr.P.C. for grant of regular bail to the petitioner in case FIR No.101

dated 22.03.2016, registered under Sections 307, 353, 333, 34 IPC, at

Police Station, Sector 31, Chandigarh.

As per the allegation the petitioner was driving a motorcycle and when he was stopped in a naka he in an attempt to escape ran over the policeman.

It is the contention of the learned counsel for the petitioner that it is the case of an accident and only because a policeman was injured this colour has been given to it. He further states that the petitioner has been in custody for the last more than 6½ months.

On the other hand, the learned Standing Counsel for the UT Chandigarh has argued that this is a serious offence because the petitioner tried to ran over a policeman who was on duty and that injured policeman is still in coma. He has however accepted that the petitioner has been in custody for the past more than 6½ months.

The issue whether the injury took place as a result of accident or as a result of designed by the petitioner would be decided by the trial Court and in case it is found that the petitioner caused the injury by design he would be liable to whatever punishment to be imposed upon him by the trial Court.

In the circumstances, keeping in view the above facts and the period of incarceration already suffered by the petitioner, without

going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the trial Court/Duty Magistrate.

Ordered accordingly. Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

September 28, 2016
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(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No