

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-13875 of 2017

Date of decision : May 10, 2017

Gurdhian Singh @ Dhanna

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. GS Sandhu, Advocate, for the petitioner
Mr. Rupam Aggarwal, DAG, Punjab, for the respondent/State
Mr. Ashish Verma, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Gurdhian Singh @ Dhanna in this anticipatory bail are that on 10.12.2016, it is alleged by complainant Randhir Singh that earlier on 29.9.2016, the petitioner under the influence of liquor misbehaved with the complainant side and thereafter the matter was settled and subsequently on the day of occurrence it is alleged that the petitioner in an inebriated stage drove his Zen car with an intention to kill the complainant and hit the complainant leading to fracture of right foot.

The contentions of the counsel for the petitioner are that even if the allegations on the face of it are taken to be true, it is a pure case of rash and negligent driving and nothing is to be recovered from the petitioner, neither the petitioner has the knowledge and intention to cause such an accident and that section 307 IPC is not made out.

Learned State counsel assisted by Mr. Ashish Verma, counsel for the complainant has sought to oppose the bail application on the ground

that it was an intentional act which has been repeatedly undertaken and that the petitioner was not entitled to any relief.

Appreciating the submissions of the two sides, the own stand of the complainant taken in the FIR whereby it has been stated that the petitioner has hit the complainant causing fracture of the right foot. It is admitted stand of the State that the injured has since been discharged.

Keeping in view the fact that applicability of section 307 IPC being a debatable issue and the learned State counsel conceding to the fact that there is nothing substantial by way of medical evidence and culpability if any shall be determined at the time of trial, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

May 10, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No