

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

CRM-M-30022-2017

Date of decision: 9.11.2017

Santokh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sultan Ali, Advocate
for the petitioner.

Mr.Kirat Singh Sidhu, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Santokh Singh – an accused in FIR No.142 dated 6.7.2017, under Sections 304, 379 IPC and 21 of Mines and Minerals (Regulation of Development) Act, 1957, registered with Police Station Beas, District Amritsar (Rural).

Briefly stated, the allegations as per prosecution story are that FIR in question was recorded by complainant Sukhwinder Singh son of Balkar Singh of Jat community, resident of Bhaini Ram Dayal, aged 35 years, which he got recorded with the police on 5.7.2017 contending

therein that he along with his minor son Gurvinder Singh, aged about 12 years was going to Gurdwara Sahib on his motorcycle make Splendor of black colour bearing registration No.PB-17-B-4288; that he was driving the motorcycle on which his son Gurvinder Singh was pillion riding; that in the meanwhile a tipper overloaded with sand being driven in a rash and negligent manner came from behind and hit their motorcycle with the result the complainant fell on *katcha* berm of the road, whereas Gurvinder Singh fell on the metalled portion; that the driver of the tipper intentionally run over the tipper over his son; that Gurvinder Singh suffered multiple injuries and died; that driver of the truck tipper bearing No.PB-06-B-9312 make TATA sped it away. After registration of the FIR, the case was investigated. Accused was arrested in this case. He had filed an application for regular bail in the Court of Sessions, which was declined by Additional Sessions Judge, Amritsar vide order dated 17.7.2017, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has argued that petitioner is not named in the FIR; that he was arrested in this case on 7.7.2017 and he is no more required by the police for investigation and that there is no evidence to connect the petitioner with the offence, as such he be granted regular bail.

Whereas these contentions are controverted by learned State

counsel stating that the petitioner had intentionally caused death of a child by his wrongful driving.

After hearing the rival contentions, I find that as stated challan has been filed in the Court and trial is likely to begin shortly. The guilt of the petitioner should be established during the trial. There is every apprehension of his tampering with the prosecution evidence and absconding, if released on bail.

Therefore, finding no merit in the petition, the same stands dismissed.

However, it is directed that the trial Court shall make earnest endeavour to conclude the trial expeditiously preferably within a period of six months from the date of receipt of copy of this order.

9.11.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No