

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

**CRM No.M-31123 of 2017
Decided on: 29.08.2017**

Gurmeet

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.43 dated 04.04.2017, for offence punishable under Sections 304, 337, 338, 427 and 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered in Police Station Divison No.4. Jalandhar.

It is submitted on behalf of the petitioner that as per the averments in the FIR, after the accident occurred, the complainant – ASI Ajinder Singh apprehended the driver of the truck who disclosed his name as Amit Kumar son of Parveen Kumar. Amit Kumar further told that actual driver of the truck was the petitioner – Gurmeet son of Des Raj and he had given the truck to Amit Kumar to drive and he knew that Amit Kumar does not know how to drive the truck. It is further submitted that in fact at the time of accident, the truck was being driven by Amit Kumar as per the prosecution version and the petitioner was arrested on the disclosure statement of Amit Kumar. It is further

submitted that the petitioner is in judicial custody since 04.04.2017 and the charges have been framed but no witness of the prosecution has been examined, so far and there are 29 PWs cited as per the prosecution list. It is further submitted that the petitioner is not required for any further investigation and conclusion of the trial will take long time.

Counsel for the State has not disputed the factual assertion but opposed the prayer for bail. He further, on instructions from HC Balbir Charan, submits that in this FIR 03 persons have died due to this accident.

I have heard counsel for the parties, perused the paperbook and the records.

Without meaning to express any opinion on merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to satisfaction of the trial Court. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.08.2017

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No