

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

**Criminal Misc. No. M-34500 of 2017
Date of Decision:-22.09.2017**

Nitin Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Ms. G.K. Mann, Advocate
for the petitioner.

Mr. H.S. Grewal, Additional A.G., Punjab.

FATEH DEEP SINGH J.(Oral)

Allegations against the petitioner Nitin Kumar in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.0135 dated 14.11.2016 registered at Police Station Bhogpur, District Jalandhar Rural under Section 304 IPC, are that on 14.11.2016 the petitioner while driving his car make Optra bearing registration No.PB-10-CE-5046 under the influence of liquor struck his car against Jawan Resham Singh leading to his death.

The contentions of petitioner's counsel are that petitioner is behind the bars for the last more than 10 months and he has been falsely implicated in the present case and Section 304 IPC is also not

made out.

Though, learned State counsel has not disputed the factual scenario but opposed the grant of bail to the petitioner and stated that petitioner was found under the influence of alchohal and the very element of knowledge and intention are visible from the act of the petitioner and therefore he is not entitled to grant of regular bail.

Appreciating the submissions, since the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case that whether Section 302 IPC or Section 304-A IPC is made out that would be seen at the time of trial, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

September 22, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No