

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

CRM-M No.37285 of 2016 (O&M)

Date of decision: 22nd March, 2017

Tarsem Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Zorawar S. Chauhan, Advocate for the petitioner.

Mr. Gurinderjit Singh, Dy. Advocate General, Punjab with
Inspector Jagjit Singh, for the respondent/State.

Mr. PBS Goraya, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Tarsem Kumar in this petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.127 dated 20.09.2016 registered at Police Station Gharinda, Amritsar under Sections 308/304/34 IPC, are that on 20.09.2016 a school bus alleged to be driven by Satnam Singh skidded off the road and fell into a drain leading to death of seven children.

Contentions of the learned counsel for the petitioner are that the petitioner has no nexus with the vehicle in question as neither he is driver nor owner of the said vehicle and has no role to play in commission of the offence.

Though contentions of learned counsel for the petitioner are stoutly opposed by learned State counsel on instructions from Inspector

Jagjit Singh on the grounds that he happens to be owner of the vehicle and in view of the enormisity of the offence and the number of deaths disentitles the petitioner to any relief.

Appreciating the submissions, to the very query of the Court neither learned State counsel nor the investigating officer could answer or point out to any such document from where it could be inferred that the petitioner happens to be the owner or has any relevance with the bus in question. Learned State counsel is unable to convince the Court as to the role of the petitioner in commission of the offence. Since nothing is to be recovered from the petitioner, impels this Court to allow the prayer made.

Accordingly, in the event of arrest, petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall 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 petition stands disposed off accordingly.

However, it is made clear that any observation made herein shall not prejudice the final outcome of the case.

(FATEH DEEP SINGH)
JUDGE

March 22, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No