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

CRM-M No.6485 of 2017
Date of Decision: 19.04.2017

GURINDER SINGH

.....PETITIONER

Vs

STATE OF UT CHANDIGARH

.....RESPONDENT

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Anmol Rattan Singh, Sr.Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep S. Wasu, Additional P.P.,
for UT, Chandigarh.

Mr. Daman Dhir, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks regular bail in case bearing FIR
No.10 dated 01.02.2017 under Sections 279, 304 IPC,
registered at Police Station Sector 49, Chandigarh.

The FIR was registered at the instance of Ravinder
Singh with the allegations that the complainant along with his
classmate Sumit Rawat were going to their respective houses
from the college on 01.02.2017. When they reached near
L/Point of Sector 46/47/48/49 i.e. dividing road of Sector 48/49

at about 4.45 P.M., Sumit Rawat was 10 feet ahead on his scooter and the complainant was behind him on his motorcycle. When Sumit Rawat was crossing the light point, the offending vehicle came in a rash and negligent manner which was being driven by the petitioner from the side of ISBT, Sector-43, Chandigarh and struck against the scooter of Sumit Rawat and dragged him to some distance. The car developed some problem and ultimately got stopped. The name of the driver came to be known as Gurinder Singh. Sumit Rawat ultimately succumbed to his injuries in the hospital.

Learned senior counsel for the petitioner contended that even as per the prosecution case, the culpability of the petitioner falls under Section 279/304-A IPC. The Investigating Officer has not taken the CCTV footage at the spot.

Petitioner is in judicial custody and challan has been presented. Petitioner is no more required in further investigation of the case.

Learned State counsel duly assisted by learned counsel for the complainant vehemently opposed the prayer on the ground that as per the photographs, there were long skid marks of the tyres of the offending vehicle which was suggestive of the fact that the car came in a very rash and negligent manner and the driver of the offending vehicle i.e. the petitioner

was also under the influence of liquor.

At this stage, without expressing anything on merits of the case, it would be debatable whether offence under Section 304-A IPC excludes the offence of homicide or otherwise. The non-mentioning of relevant offence under the challan would also be debatable in view of incorporation of offence under Section 304 IPC coupled with report of CFSL showing the petitioner to be under the state of intoxication.

At this stage, without commenting anything on ultimate merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an opinion on merits of the case.

April 19, 2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No