

Sr. No.209

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-8631 of 2017 (O&M)

Date of Decision:17.03.2017

Jaipal

... Petitioner

Versus

State of U.T.

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Rahul Garg, Advocate,
for the petitioner.

Mr. Gautam Dutt, Advocate,
for the respondent.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner pending trial in case FIR No.331 dated 02.11.2016, under Sections 279, 337, 338 and 304 of Indian Penal Code, registered at Police Station Sector 39, Chandigarh.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Constable Ajay Kumar in relation to an occurrence that took place on the intervening night of 1/2.11.2016. As per allegations present petitioner was the driver of the offending vehicle i.e. tempo traveller. It was alleged that the vehicle was being driven in a rash and negligent manner and having jumped a red light struck against an Activa scooter on which two persons were riding and thereafter dragged the scooter as well as the driver and pillion rider for 20-25 steps. The pillion rider, namely, Surinder son of Roshan Lal is stated to have succumbed to the injuries suffered.

Petitioner was arrested on the spot and has been in custody since 02.11.2016.

Investigation in the case is complete, challan has been presented and even charges under Sections 279, 337, 338, 304 IPC have been framed.

It is the contention of the counsel appearing for the petitioner that against the backdrop of the allegations at best a charge under Section 304-A IPC could have been framed. It is submitted that no intent and knowledge can be attributed to the petitioner with regard to death having been caused.

Without making any observations on merits and keeping in view the fact that investigation already stands completed as also the length of incarceration already suffered, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Chandigarh.

Disposed of.

17.03.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No