

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-13244 of 2018

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Date of decision:30.7.2018

Jatinder Kumar

.....Petitioner

v.

U.T. of Chandigarh

.....Respondent

....

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Amit Kumar Goyal, Assistant Public Prosecutor,
U.T., Chandigarh for the respondent-U.T.

Ms. Jainika Jain, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.18 dated 25.1.2018 registered for the offences under Sections 279, 337 and 304-A IPC and (Section 304 IPC, which was added later on) at Police Station Maloya, Chandigarh, U.T.

Notice of motion has been issued in this case.

Mr. Amit Kumar Goyal, learned Assistant Public Prosecutor, U.T., Chandigarh has put in appearance on behalf of the respondent-U.T. and Ms. Jainika Jain, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned A.P.P. for the U.T. Chandigarh and have gone through the record.

The FIR in the present case has been registered on the statement of Sameena. As per the FIR, the present petitioner was driving his car rashly and negligently and hit two children, namely, Shifa daughter

of brother-in-law of the complainant and also her son Ariz aged 4 and 6 years respectively, due to which Shifa died.

As per the FIR, the driver was driving the car rashly and negligently and the FIR was registered for the offences under Sections 279, 337 and 304-A IPC. As per the prosecution version now the supplementary statement of the complainant has been recorded after about 20 days of the registration of the FIR in which she alleged that Jatinder Kumar-driver was inimical and he intentionally hit the children.

Learned counsel for the petitioner submitted that the supplementary statement is an after thought version. There is no document on record to show the enmity or regarding any litigation between the parties.

The petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 28.3.2018 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

July 30, 2018.

hsp

(Inderjit Singh)

Judge

NOTE: Whether speaking/reasoned:

Yes

Whether reportable:

No