

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

CRM-M-25566-2018 (O&M)

Date of Decision:- 10.8.2018

Mohd. Shajid	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K.Garg Narwana, Senior Advocate with
Mr. Naveen Gupta and Mr. J.S. Johal, Advocates,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

Petitioner Mohd. Shajid has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.200 dated 6.5.2018 under Sections 304 and 308 IPC, Police Station DLF Phase-I, Gurugram.

The FIR in the present case was lodged at the instance of Rajesh Kumar wherein it is alleged that he is driver of a car bearing registration No.DL-1Z-7687, owned by company namely Shri Shyam Cabs Pvt. Ltd. and that on the day of occurrence, when he was going to pick up the staff of Indigo Airlines, another car of his company was going ahead of him and when they reached near underpass, then one "Scorpio" vehicle came from the wrong side and hit against the car going in front of him resulting in death of driver Vinod Kumar Yadav and one security guard Kishore Kumar Vishwas.

Notice of this petition was issued to the State.

Learned State counsel has opposed the present petition.

Learned counsel for the petitioner has submitted that the present case at best is a case of an offence under Section 304-A IPC and that no offence under Sections 304 and 308 IPC can be said to be made out.

Having heard the learned counsel for the petitioner and also the learned State counsel, I find that it is a case of head on collision where the “Scorpio” vehicle allegedly came from the wrong side. Upon a query having been made to the learned State counsel, it has been informed that driver of the “Scorpio” i.e. the petitioner had also sustained fracture in hand and leg. It would certainly be debatable as to whether it is a case of death on account of negligence or as to whether the death has been caused intentionally as it is difficult to fathom that somebody would perform a suicidal act by causing a head on collision so as to cause death of another person. It has been informed that challan has already been presented.

In my opinion further detention of the petitioner would not serve any fruitful purpose. The petition, as such, is accepted. Petitioner Mohd. Shajid is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Gurugram.

It is however clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

August 10, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No