

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

**CRM-M No. 2641 of 2018
DATE OF DECISION :- March 22, 2018**

Sarban Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Sham Lal Bhalla, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

This petition for regular bail has been filed by petitioner Sarban Singh, an accused in F.I.R. No. 325 dated 04.10.2017 for offence under Sections 279, 304, 337, 427 IPC registered with Police Station City Barnala, District Barnala.

Briefly stated the facts of the case as per the prosecution story are that on 4.10.2017 at about 1.30 P.M., accused Sarban Singh driving truck No. PB-19H-5807 in a rash and negligent manner came from Barnala side hitting motor cycle bearing No. PB-19C-4407 causing injuries to its rider Navjot Singh. Thereafter, the truck ran over the cot of Ram Dutt father of complainant Sanjeev Kumar. Resultantly, Ram Dutt also suffered injuries. The truck driver sped away the truck towards the Baja Khana Road thereafter.

The petitioner-accused was arrested in this case on 8.10.2017. He has been sent up to face trial, which is pending in the Court of Additional Sessions Judge, Barnala. Petitioner had moved an application

before the Court of Sessions at Barnala, which was, however, dismissed by Additional Sessions Judge, Barnala vide order dated 13.11.2017, as such he has approached this Court asking for the similar relief.

The application is being contested by the learned State counsel.

I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

Learned counsel for the petitioner states that at best it is a case of rash and negligent driving and Section 304-A IPC carries maximum punishment of two years. The petitioner is in custody for more than five months. He has been granted bail in another case, which was part of the same transaction, therefore, this concession be given to him in this case also. Whereas, learned State counsel opposing the request submits that the petitioner was under the influence of liquor and by his reckless driving has caused death of two persons, therefore, he does not deserve any concession of bail.

After hearing the rival contentions, I find that it is a matter of trial as to which offence is disclosed against the accused. The accused is behind bars for more than nine months.

The trial is at preliminary stage and its conclusion is likely to take some time. Thus without going into the merits of the case, I find that it would be in fitness of things if the present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Barnala subject to the following conditions : -

- (i) he shall appear in the Court on each and every date of

hearing.

- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

March 22, 2018

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No