

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

**CRM-M No.27474 of 2018
Decided on: 10.07.2018**

Raj Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. L.S. Lakhanpal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.48 dated 22.05.2018, for offence punishable under Sections 279, 427, 304-A of the Indian Penal Code (in short 'IPC') (Section 304 IPC added later), registered at Police Station Cantt. Jalandhar, District Jalandhar.

Counsel for the petitioner has submitted that initially the FIR was registered under Sections 279/427/304-A IPC but later on, Section 304 IPC was also added. It is further submitted that as per the allegation in the FIR, the petitioner while driving a mini bus has caused an accident with a scooter, which was driven by deceased – Ashwani Dutta and had resulted into his death.

Counsel for the petitioner has further submitted that it will be a debatable issue to be decided during the course of trial as to whether Section 304-A or 304 IPC is made out in the present case. It is further submitted that the petitioner is in judicial lock up since

23.05.2018 and the petitioner is no more required for any further custodial interrogation.

Counsel for the State, on instructions from ASI Gurdeep Chand, has filed the Custody Certificate today in the Court and has not disputed the factual position but opposed the prayer for bail.

Counsel for the State, on instructions from the Investigating Officer, has further submitted that challan will be presented before the trial Court within a period of 01 week from today.

Without commenting anything on merits of the case and considering the fact that the petitioner is not involved in any other case; the FIR was initially registered under Section 304-A IPC; the petitioner is in judicial lock up since 23.05.2018; he is not required for any further custodial interrogation, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

10.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No