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

**CRM-M No.27158 of 2017
Date of Decision: 15.02.2018**

JAGDISH

.....Petitioner

Vs

ROHTASH AND ANR.

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Aditya Sanghi, Advocate
for respondent No.1/complainant.

Mr. Satish Saini, D.A.G., Haryana
for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in a case bearing criminal complaint No.198-I of 2014 dated 13.05.2014, under Sections 302, 307, 148, 149, 201, 218, 120-B IPC during pendency of the trial before the trial Court.

The alleged occurrence took place on 24.03.2014, when Kuldip, Garima and Sachin were travelling on a motorcycle. Garima was married to one Vikas, but was having

alleged affair with Sachin. A road side accident was alleged in which Kuldip and Garima lost their lives. Sachin was seriously injured. Statement of Sachin could only be recorded on 13.04.2014, when he was declared to be fit by the Doctor. In his statement, Sachin disclosed that they had gone for fun ride after some marriage ceremony attended by the deceased as well as by him on 24.03.2014. On the basis of statement of Sachin, DDR No.40 dated 13.04.2014 was consigned to record being an incident of road side accident.

On 16.04.2014, father of Kuldip submitted a complaint to the Superintendent of Police, Fatehabad against three persons namely Parveen, Satbir and Dhollu i.e. family members of Garima. The said complaint was got inquired into by the DSP (HQ) Fatehabad, wherein statement of Sachin was also recorded and the police came to the conclusion that the incident was a road side accident. Thereafter criminal complaint came to be filed on 13.05.2014 in which petitioner and other accused have been summoned.

Learned Senior counsel for the petitioner submitted that the petitioner was never named by the complainant in the initial version got recorded on 16.04.2014, nor the role of the petitioner has come forth in terms of any culpable act except his alleged presence in the morning and alleged quarrel with the

complainant party.

The statement of aforesaid fact could not be refuted by learned State counsel duly assisted by learned counsel for the complainant.

At this stage, without advertng to the ultimate merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 15, 2018	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No