

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

CRM-M-29918-2018

Date of Decision: 24.07.2018

Ram Manohar Tiwari

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. D.P.S. Mann, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for regular bail under the provision of Section 439 Cr.P.C in case FIR No.0088 dated 28.06.2018 registered under Sections 283, 304, 427 IPC at Police Station Pasyana, District Patiala.

2. Learned counsel for the petitioner submitted that allegations against the petitioner is that he parked Truck Trola in the middle of the road due to bursting of Tyre and he had gone for making some arrangement to get it repaired through mechanic. In the meanwhile, one Tata Indigo Car bearing No.PB13 AE9647 and motorcycle bearing No.PB23 T 0647 hit against the Truck Trola whereby two persons died. Allegations are that petitioner failed to furnish any communication to the extent that Trola is parked in the middle of the road on account of break down or due to any other obstacle so as to make some indication for other motorist to know its break down. Learned counsel for the petitioner submitted that petitioner was arrested on 3.7.2018 and he is in custody till date. It was also submitted that

such accident took place at about 4:30 P.M which was in the day time and petitioner had gone for making necessary arrangement while leaving the break down vehicle. There is no occasion to the petitioner flee from the law and no useful purpose would be served by detaining the accused.

3. Per contra, learned counsel for the respondent-State submitted that there is negligence on the part of the petitioner to the extent that Truck Trola was parked in the middle of the road without there being any communication relating to break down of the vehicle to the extent of parking or some communication to other motorist due to which accident took place. Consequently, two lives have taken. Therefore, petitioner is not entitled for bail.

4. Heard learned counsel for the parties.

5. Short question for consideration in the present petition is whether vehicle was break down or not? Learned counsel for the respondent has not disputed relating to break down of the Truck Trola. Only allegation against the petitioner is that petitioner has failed to switch lights and so also making such arrangement to alert the other motorist to the extent that vehicle is break down so as to bring their attention and to drive safely.

6. No doubt there is negligence on the part of the petitioner. Matter required to be examined in the trial proceedings. Having regard to the facts and circumstances of the case, petitioner-Ram Manohar Tiwari is ordered to be released on bail to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

7. However, the petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or otherwise interfere with the fair trial.

9. Petition is allowed accordingly.

24.07.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No