

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-43366-2018

Date of Decision:19.11.2018

Ravi Kumar@ Ravi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Mohd. Yousaf, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0163 dated 10.08.2018 under Sections 304/34 IPC, registered at Police Station Kartarpur, District Jalandhar Rural.

As per FIR, on 09.08.2018 at about 09.50 PM, when the police-party was on checking of bad elements, three young men came from Kartarpur side on a motorcycle bearing registration No.PB-54-C-9296 on the service road. PHG Sukhdev Singh No.14030 signaled them with the torch to stop. But instead of stopping, the three young persons tried to run away and hit the motorcycle with PHG Sukhdev Singh, with an intention to cause physical harm to him. In this process Sukhdev Singh, who had tried to stop the accused was hit by the motorcycle and become unconscious

because of the injuries caused with the motorcycle. He fell down on the

road. All the three accused also fell down from the motorcycle and received minor scratches. Sukhdev Singh was taken to the Civil Hospital, Kartarpur and thereafter, considering his injuries he was referred to Civil Hospital Jalandhar. But on account of nature of injuries suffered by him, Sukhdev Singh died.

Learned counsel for the petitioner states that the petitioner was merely a pillion rider and was rather sitting in between the driver and the pillion rider. He further states that co-accused Mani Kumar, who was driving the motorcycle has already been admitted on bail by learned Additional Sessions Judge, Jalandhar, vide judgment dated 25.10.2018. The third accused who is juvenile has been granted bail by the Juvenile Court. Thus, except the petitioner, all the other accused have been admitted on bail.

Learned State Counsel on instructions from JC Jagjit Singh states that the petitioner has intentionally injured PHG Sukhdev Singh with an intention to cause physical harm to Sukhdev Singh (since deceased), who was performing his duties while on checking bad elements.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 12.08.2018 and co-accused Mani Kumar, who was driving the motorcycle, has already been admitted on bail by learned Additional Sessions Judge, Jalandhar, vide judgment dated 25.10.2018, this Court finds that the petitioner also deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case.

November 19, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No