

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

**CRM-M-45726-2017
Date of decision: 02.11.2018**

Amit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Sushma Chopra, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0043 dated 04.04.2017, registered under Sections 304, 337, 338, 427, 120-B of the IPC at Police Station Division No. 4, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner submits that petitioner is in judicial custody for the last 01 year, 06 months and 26 days and since only four witnesses have been examined so far, it will take a long time in conclusion of the trial.

Learned counsel for the petitioner further submits that while granting regular bail to co-accused Gurmeet on 29.08.2017 in CRM-M-31123-2017 (Annexure P-3), this Court has noticed that there are 29 prosecution witnesses and the allegations against the petitioner are that the actual driver of the truck, i.e. aforesaid co-accused Gurmeet, had given the truck to the petitioner to drive and the accident occurred in the

meantime.

Learned State counsel, on instructions from ASI Charanjit Singh, has filed custody certificate and has not disputed the custody period of the petitioner, however, opposed the grant of bail to the petitioner by submitting that in the accident in question, three persons have died and sixteen persons were injured.

However, learned State counsel has not disputed the fact that out of total 29 prosecution witnesses, 04 have been examined and 02 have been given up and the remaining 23 witnesses are yet to be examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 01 year, 06 months and 26 days; he is not involved in any other case and also in view of the fact that trial is likely to take some time as 23 prosecution witnesses are yet to be examined; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two sureties to the satisfaction of the trial Court/Duty Magistrate concerned.

November 02, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No