

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

CRM-M-49381-2018

Date of decision: November 16, 2018

Krishna Kishore Yadav

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Jitesh Bhardwaj, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner-Krishna Kishore Yadav, in case FIR No.215 dated 15.07.2018 registered for the offences punishable under Sections 279, 304 and 427 of the Indian Penal Code, 1860 (for short 'IPC') at Police Station Hansi Sadar, District Hansi.

It is a case of the prosecution that on the intervening night of 14-15/7/2018, petitioner drove his truck in rash and negligent manner with intention and knowledge to kill the persons going on the public road and that his negligent act had caused death of two persons as the truck struck against the motorcycle on which Parveen and Bijender were riding and the truck dragged them upto ½ km.

Heard.

Learned counsel for the petitioner submitted that it is a case of mere motor vehicular accident because the petitioner has no intention or knowledge to cause the death of two persons riding on a motorcycle.

Petitioner is in custody since 20.07.2018. His liability qua offence under Section 304 IPC is debatable.

Without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, no useful purpose would be served by detaining the petitioner behind the bars, therefore, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the court.

(RAJ SHEKHAR ATTRI)
JUDGE

November 16, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No