

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-25541 of 2019

Date of Decision: 20.08.2019

Ramesh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Charanji Lal , Advocate
for the petitioner.

Mr. Munish Sharma, AAG Haryana.

Mr. Sumeet Gupta, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 118 dated 15.04.2019 registered for offences punishable under Sections 279, 304-A and 336 of Indian Penal Code (for short, "IPC") at Police Station Nissing, District Karnal. (Offences punishable under Sections 337 and 304 IPC were added later on).

Heard.

The petitioner was arrested in this case on 30.04.2019 and after completion of investigation challan has been presented in Court for offence punishable under Sections 337 and 304 IPC.

Learned counsel for the petitioner submits that it is a case of accident. A representation was made by Sushil Kumar, brother of the petitioner, to the police to arrest real culprit, namely, Ravi, but the petitioner

was falsely involved in this case. After presentation of challan, custody of the petitioner is no more required by the police. Conclusion of trial will take considerably long time, as such, petitioner may be released on regular bail.

Learned State counsel submits that as per investigation, the petitioner in inabriated condition, while driving the vehicle, caused death of three persons. Keeping in view the gravity of offence, benefit of regular bail may not be allowed to the petitioner at this stage. The case is based on statements of eye-witnesses, as such, CD of the incident, relied by learned counsel for petitioner, is not relevant at this stage.

Without expressing any opinion on merits of the case and keeping in view the fact that petitioner was arrested on 30.04.2019; challan has been presented in Court, which is stated to be fixed for framing of the charge; and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Ramesh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, 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.

August 20, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No