

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64437-2018 (O&M)

Date of decision:30.01.2019

Balkar Singh @ Bunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. H.S.Mann, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.108 dated 21.10.2017 under Sections 304, 307, 427, 353, 186, 34 of IPC (Section 302 added later on), registered at Police Station Mehna District Moga.

Learned counsel for the petitioner contends that even as per the case of prosecution, initially the FIR was registered only under Section 304 of IPC along with 307 IPC and other sections. However, subsequently, since the injured has expired, therefore, Section 302 IPC has been added by the prosecution. It is further contended that even the perusal of the allegations, as contained in the FIR would show that there has been no intention to commit murder as such. Still further it is submitted that even if the allegations levelled against the petitioner are taken to be correct, then also he is not the person responsible for the death of the deceased. In this case, the death had occurred because the vehicle-Bolero, in which the petitioner was also travelling, had hit the deceased. However, the person who has driving that vehicle has already been granted bail by the trial Court.

Even the other co-accused, who was sitting along with the petitioner, as per

the allegations has also been granted concession of bail pending trial. The petitioner is in custody since 26.05.2018. Challan has already been filed. The petitioner is not required for any investigation purposes. It is further contended by the counsel that the petitioner is not required in any other criminal case as of today.

On the other hand, learned State counsel submits that the petitioner is involved in a serious offence of making attempt to run over the police party. However, it is not denied by the learned State counsel that even the person who was driving the said vehicle has already been released on bail. It is also not disputed that petitioner is not required in any other criminal case as of today.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

30.01.2019

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No