

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-16424 of 2020(O&M)
Date of Decision: 10.07.2020

Tarsem Saini

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amarjit Singh Virk, Advocate,
for the petitioner.

Mr. Kuldeep Tiwari, Addl.A.G.,Haryana

ANIL KSHETARPAL, J(Oral)

Present petition has been filed by the petitioner, namely, Tarsem Saini, under Section 439 Cr.P.C., for grant of regular bail in FIR No. 125, dated 08.05.2020, registered under Sections 186/307/332/333/353 IPC and Section 61 of the Punjab Excise Act, 1914, at Police Station Civil Lines, Kaithal.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Kaithal in paragraph 2 of the impugned order, which is extracted as under:-

“ 2. In brief, it is the version of the prosecution that FIR was registered on the statement of SI Dharambir No. 75, who stated that on 07.05.2020 at about 7:50 pm, he along-with ASI Satish Kumar and HC Narender were on duty at Dhand Bye Pass Chowk, Kaithal where a car being driven in rash and negligent manner and at very high speed, came from Kurukshetra side. SI Dharambir gave signal to the driver to stop the car but the driver tried to hit him with intention to kill him but he escaped. In the meantime, the driver shouted that he would not spare the police officials and would kill them and gave direct hit to Satish Kumar with an intention to kill him. As a result, Satish Kumar fell on the road and sustained head injuries and on thigh and the car driver hit the barricades and fled towards the city by taking the

advantage of darkness. Thereafter, he took Satish Kumar to Cygnus Hospital, Kaithal for treatment. Thus, FIR was registered for the commission of offence punishable under Section 332, 353, 307, 186, 114, 333 of the Indian Penal Code, 1860 and Section 61-1-14 of Excise Act.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. He submits that, admittedly, the petitioner was not driving the alleged vehicle. He further submits that the petitioner is sought to be nominated as an accused on the statement of Sagar, a co-accused which is not admissible in evidence.

On the other hand, Mr. Kuldeep Tiwari, Additional Advocate General, Haryana submits that the investigation is pending.

The petitioner is in custody for approximately more than 2 months.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody for approximately more than 2 months and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

July 10, 2020
“nt”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No