

211.

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

CRM-M-21935-2020

Date of decision: 04.12.2020

JASBIR SINGH @ NONU

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vikram Chaudhri, Senior Advocate, with
Mr. Keshavam Chaudhri, Advocate,
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Mr. Munish Behl, Advocate,
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.18 dated 14.01.2020 registered under Sections 147/149/279/323/337/506 of IPC (Sections 307/510 IPC added lateron and Sections 279/337 IPC deleted lateron) at Police Station Baldev Nagar, District Ambala.

Learned senior counsel appearing on behalf of the petitioner has argued that the present is a case of road side accident, but has been given a colour of attempt to commit murder of the injured. In order to increase the

gravity of the offence, there is a possibility that the police has added the offences under Sections 307, 510 IPC in collusion with the complainant without even taking any medical opinion of the doctor. The alleged incident has taken place on 12.01.2020 and the petitioner is in custody since 18.01.2020. The other co-accused named in the FIR are already on bail. The injured has been examined by the doctors and as per the certificate issued by the Max Healthcare Hospital, the injured has mild speech difficulty and is on prophylactic antiseizure medications for his head injury.

He has further argued that it is virtually a road side accident and at this stage, he has the instructions to state that in case the petitioner is possessing the driving licence, he will surrender the same with the transport authority till the trial in the case is concluded. He further states that irrespective of the outcome of trial, at this stage, the petitioner shall compensate the injured and will pay a sum of Rs.50,000/- without prejudice to his rights during trial.

Counsel for the complainant has argued that the allegations against the petitioner are serious. The petitioner has caused grievous injuries to the injured, who remained admitted in the hospital for a sufficiently long period. The injured had to stay away from his employment for a substantial period.

Similarly, learned State counsel has argued that in case the petitioner is admitted on bail, he may influence the witnesses or may even hamper the trial. Therefore, he is not entitled to be admitted on bail.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 18.01.2020, the other co-accused are already on bail and also considering the status report filed by the State along with the certificate issued by the Max Healthcare Hospital, this Court deems it appropriate to admit the petitioner on bail as the trial is still not likely to be concluded in the near future. The certificate issued by the Max Healthcare Hospital reads as under:-

“This is to certify that patient Satinder Singh with MHLI ID 378056 is a case of diffuse axonal injury. He was treated at Max Hospital, Mohali on conservative measures. Presently patient is conscious alert independently doing his daily chores. He has mild speech difficulty and is on prophylactic antiseizure medications for his head injury.”

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

The petitioner shall not influence the witnesses directly or indirectly in any manner and in case, it is found that the petitioner is trying to influence the witnesses, the prosecution shall be at liberty to seek cancellation of his bail.

It is made clear that in case the petitioner has been issued licence, he shall deposit the same with the trial Court forthwith. However, in case, he has not obtained licence, he shall submit an affidavit with the trial Court to this effect. He shall also deposit the amount of Rs.50,000/- with the trial Court within one month from today and the injured would be at liberty

to seek withdrawal of the said amount.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

04.12.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No