

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

(Through Video Conferencing)

CRM-M-22125-2020

Date of Decision: 18.8.2020

Vijay Pal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Sahil Puri, Advocate, for the petitioner.

 Mr. Ramandeep Sandhu, Deputy Advocate General, Punjab.

NIRMALJIT KAUR, J. (Oral)

The present petition is filed under Section 439 Cr.P.C. seeking grant of regular bail in FIR No.43 dated 14.5.2016 registered under Sections 302/307/427/353/186/420/465/468/471/472/482/411/34 of IPC and under Section 25/54/59 of the Arms Act at Police Station Subhanpur, District Kapurthala.

As per the allegations, the present petitioner who was in the Jeep alongwith other co-accused were trying to escape after committing decoity and while doing so, they did not stop at the barricade and intentionally ran into police official standing there which resulted into the death of one police officer and injury to another.

Learned counsel for the petitioner while praying for regular bail, *inter alia*, argued that the petitioner and other co-accused stand acquitted in the FIR registered against them on the same date for the offence under Section 382 IPC vide judgment dated 14.2.2018. Further, the petitioner had no intention to run over the police officials. If at all, it is a case of sheer negligence and rash driving. It is only a case of accident which has been given

the colour of Section 302 IPC. If at all, it is no more than an offence under Section 304-A IPC. Admittedly, the petitioner was not driving the vehicle. Therefore, there is no meeting of the mind and he cannot be held responsible for running over of the said vehicle on the police officials.

Heard.

Learned Stated counsel on instructions from ASI Lakhwinder Singh has pointed out that the evidence is complete and the matter is now fixed for arguments. It is a case where the petitioner was an occupant of the same vehicle and was running away from the spot after committing the offence. They may have been acquitted but if it was a case of simple rash driving or negligence, it is not understood as to why the vehicle did not stop when it was intercepted by the police officials at the barricade. The petitioner may not be driving the car but there is allegation of firing at the police official and weapon too has been recovered from him.

No ground for bail is made out.

Dismissed accordingly.

However, it is hoped that the trial in the case shall be concluded as expeditiously as possible at the first given instance and nothing stated hereinabove shall have any bearing on the merits of the case.

(NIRMALJIT KAUR)
JUDGE

18.8.2020
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No