

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-37970-2019 (O&M)
Date of Decision:-7.1.2020

Baljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dinesh Trehan, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Lakhbir Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.91 dated 29.6.2019 at Police Station Sadar Bathinda, District Bathinda under Sections 304, 337, 338 and 427 of Indian Penal Code and Section 61 of Excise Act, 1914.
2. The FIR was lodged at the instance of Swaran Singh, wherein it has been alleged that on 29.6.2019 he was going on his tractor trolley alongwith labourers, who were sitting in the trolley. It is alleged that one Innova car came at a fast speed from opposite side which dashed against a woman killing her and thereafter hit against the tractor trolley of the complainant resulting in injuries to about 15-16 labourers, who were sitting in the trolley. It is further alleged therein that huge quantity of Haryana made liquor was found in the Innova car and that apparently the car was being driven rashly by its driver Baljit Singh in order to avoid detection. It is further stated therein that Nirmal Singh was also accompanying Baljit Singh in the aforesaid car.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and at best it is a case of some negligence in driving and by no stretch of imagination the present case can be said to be a case of culpable homicide.
4. Opposing the petition, the learned State counsel has submitted that facts of the present case clearly show that the petitioner had intentionally rammed his car into the woman and then into the tractor and, as such, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. This Court is of the opinion that it would be debatable as to whether it is a case which would attract an offence under Section 304-A IPC or an offence under Section 304 IPC. In any case, the said controversy can only be resolved after the entire evidence is led. In these circumstances, especially keeping in view the fact that the petitioner has been behind bars since the last about six months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

7.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No