

(212)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38198-2019 (O&M)

Date of decision : 06.02.2020

Sunny

...Petitioner

Versus

State of UT, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. P.S.Khurana, Advocate
for the petitioner.

Mr. Manish Jain, APP for UT, Chandigarh.

...

VIVEK PURI, J. (Oral)

Present petition under Section 439 Cr.P.C. for seeking regular bail to the petitioner in case FIR No. 101 dated 01.08.2019 registered at Police Station, Sector 19, Chandigarh under Sections 279 and 337 IPC, 1860 and subsequently added offence under Section 304 IPC, 1860 and Section 185 of M.V. Act.

A perusal of the FIR shows that allegations against the petitioner are that on 01.08.2019, at about 4.00 p.m., the petitioner while driving Maruti Van in a negligent manner and high speed, struck with a cyclist, who sustained injuries. The telephonic information was given to the police. The petitioner was smelling of liquor. Subsequently, the cyclist namely Tarsem Singh succumbed to the injuries. Initially case was registered under Sections 279 and 337 IPC, 1860 and subsequently offence under Section 304 IPC, 1860 and Section 185 of M.V. Act. were added.

On the last date of hearing, it was differently projected by both the parties, as to whether trial has been concluded or not. However, it has been stated by both learned counsels for the parties that trial is still pending for

prosecution evidence.

The petitioner is in custody for the last six months and four days as per the custody certificate, which is placed on record.

At the first instance, the FIR was registered under Sections 279 and 337 IPC and subsequently the offence under Section 304 IPC was added. It has also been stated that the charge under Section 304 IPC, and in the alternative under Section 304A IPC has been framed against the petitioner.

It is debatable as to whether the offence falls under Section 304 or Section 304A IPC. Even the offence under Section 308 IPC was not added in the FIR at the earlier instance.

The conclusion of trial is likely to take sometime.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(VIVEK PURI)
JUDGE

06.02.2020
Pardeep

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