

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

CRM-M-51936-2019

Date of decision:-18.11.2020

Mohd. Javed

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.Punit Malik, Advocate the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail, has been filed by petitioner Mohd. Javed, aged about 26 years, an accused in FIR No.450 dated 13.9.2019 for the offences under Sections 304-II, 337 IPC and 184/185 of M.V. Act, 1954, registered with Police Station Sector-40, Gurugram.

Briefly stated, the facts of the case are that on 13.9.2019 at about 3:00 p.m. in the area of Silokhera market, accused Mohd.Javed while being under influence of liquor was driving a car bearing registration No.DL-1CQ-0226 on a public way in a reckless manner and hit Baby Anamika aged about 5 years – daughter and Phoolkoli wife of

complainant Tinku Pahan. Resultantly, both of them suffered injuries. Baby Anamika died at the spot. Phoolkoli had suffered serious injuries. Accused was caught hold of by the persons present at the spot. The offending car was also taken into police possession. After completion of investigation, challan against the accused has been filed and the case is pending trial. The petitioner had approached the Court of Sessions at Gurugram seeking regular bail by moving application but was unsuccessful inasmuch as the application was dismissed by learned Additional Sessions Judge, Gurugram on 18.11.2019. As such, the petitioner has approached this Court by way of filing the present petition craving for the similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Without going into the merits of the case, it may be observed that the petitioner is in custody since 14.9.2019 i.e. for more than one year. The trial against him is at the preliminary stage as no PW is said to have been examined by now, in that way the conclusion of the trial is likely to take some time. Though the allegations against the petitioner/accused are serious in nature, however his guilt shall be determined during the trial.

Considering all the facts and circumstances of the case, I find that the petition deserves to be accepted.

Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the the trial Court/CJM/Duty Magistrate, Gurugram, subject to

the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

Since the petitioner has got the address of Bihar, it is observed that the trial Court/CJM/Duty Magistrate, Gurugram accepting the bonds may ask the petitioner to furnish a local surety having documentary proof of immovable properties equivalent or more than the surety amount within the jurisdiction of the Court. The petitioner shall got his presence marked at Police Station Sector 40, Gurugram on last Saturday of every month between 10 a.m. to 12:00 noon and an entry in that regard be made in the DDR of of the Police Station.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

Violation of any term and condition would give a right to the prosecution to seek cancellation of the bail granted vide this order.

18.11.2020
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No