

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

SMRITI
22/01/2020 08:16:44
Attest to the accuracy and
integrity of this document

CRM-M-54383-2019
Date of Decision: 07.01.2020

Rajanbir Singh @ Lamba @ Naman
vs.

... Petitioner

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vikasdeep Singh, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. Deputy Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

1. The present petition has been filed under Section 439 of Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 269 dated 18.11.2019.
2. The case has been registered on the basis of statement of Tika Ram alleging that on 17.11.2019 at about 7:30 P.M., he alongwith his son Rishak had gone for purchasing household articles. A Swift car bearing registration number PB-09-AG-6747 being driven by the petitioner without blowing horn, without giving dipper and without applying breaks, rammed in the complainant and his son and it resulted in injuries on the person of the complainant and death of his son.
3. Subsequently on 20.11.2019, the statement of Narinderpal Singh was recorded wherein it has emerged that on 17.11.2019, he alongwith his minor daughter Damanpreet Kaur was coming from Gurudwara Shri Ber Sahib Ji on a scooter and the petitioner while driving the offending vehicle in a rash and negligent manner rammed in a scooter which resulted in injuries on the person of the minor daughter.

4. It has been stated by learned counsel for the petitioner that the allegations are only with regard to rash and negligent driving and the offence falls within the purview of Sections 279, 304-A, 338 and 337 IPC.

5. On the contrary, it has been contended that it is a case of extreme reckless driving and the provisions of Section 304 IPC are attracted.

6. It is unfortunate that a young child has lost his life and the complainant alongwith another young girl have sustained injuries, but it becomes debatable as to whether the offence falls under Section 304 or 304-A IPC. There is nothing to suggest that the petitioner was under the influence of liquor or any intoxicant substance. The arrest of the petitioner was effected on 19.11.2019. It has also been stated that the investigation of the case is complete and challan has already been presented and case is admitted to the Court of Sessions.

7. In these set of circumstances, sufficient grounds are made out to grant the bail to the petitioner. Accordingly, the petition is allowed and petitioner is directed to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

(VIVEK PURI)
JUDGE

07.01.2020
smriti

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