

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 1738 of 2021
Date of Decision: 10.9.2021**

Malkit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Shubham Goyal, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 222 dated 13.10.2020 under Sections 304, 279, 427 IPC registered at Police Station Sadar Patti, District Tarn Taran.

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran dated 20.3.2021, filed in the Registry, is taken on record.

Custody certificate by way of affidavit of Additional Superintendent, Central Jail, Amritsar dated 10.9.2021 has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that now at this stage, complainant Harbans Singh and the eye witnesses, namely, Gurwinder Singh and Manjit Singh have filed their affidavits (Annexures P-3 to P-5), stating therein that the complainant, who was driving the motorcycle, fitted with four wheels, had a headache and due to this reason,

the accident took place with the truck (trolla Ghora) in question and there is no fault of Malkit Singh-petitioner, who was driving the said vehicle. He further submits that the petitioner has been in custody since 13.10.2020.

On the other hand, the learned State counsel opposes the prayer made in the petition and submits that there are specific allegations against the petitioner that he was under the influence of liquor at the time when the accident occurred and in this case, two family members of the complainant have died. He further submits that out of 19 prosecution witnesses, four have been examined.

I have heard the learned counsel for the parties.

In the present case, complainant Harbans Singh as well as the eye witnesses, namely, Gurwinder Singh and Manjit Singh, in their affidavits, have not raised finger towards the petitioner, who was the driver of the truck (trolla Ghora) in question. The petitioner has been in custody since 13.10.2020. Out of 19 prosecution witnesses, only four have been examined so far. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

September 10, 2021
Gurpreet

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