

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(220)**

**CRM-M-7871-2021
Date of decision:- 14.09.2021**

Satwant Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gursimran Singh Madaan, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail in case FIR No.32 dated 29.08.2020 under Sections 307, 323, 325, 332, 333, 337, 338, 279, 186 and 353 of the Indian Penal Code, 1860, registered at Police Station Fatehgarh Panjtoor, Annexure P-1.

As per the version of the prosecution, FIR (Annexure P-1) was registered on the statement of ASI Shiri Ram, who stated that when he was on duty at a barricade on 29.08.2020 along with some other police officials, he signalled a white colour *Swift* car to stop, but instead, the driver sped away. The complainant, in a bid to stop the car, caught hold of its wiper and fell on the bonnet. After driving for about 500 meters, the driver suddenly applied the brakes and the complainant fell in front of the vehicle. The driver drove the car over his legs and fled away causing him multiple fractures. The petitioner was arrested on 02.09.2020.

Counsel for the petitioner submits that the petitioner is not named in the FIR and he was arrested during the course of investigation. Counsel contends that the perusal of the allegations levelled in the FIR show that it is a case of a vehicular accident and the provisions of Section 307 IPC have been added because the complainant is a police official. He submits that the petitioner, who has clean antecedents, is no longer required for custodial interrogation, as the challan has already been presented and therefore, the petitioner deserves to be released on bail. He submits that after the dismissal of the first petition (CRM-M-41844-2020), which was withdrawn on 21.12.2020, Annexure P-5, charge has been framed, some witnesses have been examined and petitioner has undergone further custody of eight months, which would amount to a change in circumstances enabling him to institute the second petition.

Per contra, learned State counsel, upon instructions from ASI Naresh Kumar submits that the petitioner has deliberately obstructed a public servant in the performance of his duty, caused serious fractures, and not only offence under the provisions under Sections 186 and 333, IPC, but also offence under Section 307, IPC, is clearly attracted. As per his instructions, challan has been presented on 23.10.2020, charge has been framed on 10.02.2021 and two out of twelve prosecution witnesses have been examined, though the complainant is yet to step in the witness box.

I have considered the respective submissions of counsel for the parties.

Keeping in view the nature of allegations, the gravity of offence, the fact that the petitioner has suffered incarceration for the last more than one year and the trial is likely to take time to conclude, this Court is *prima facie* of the view that the petitioner deserves to be enlarged on bail during the pendency of the trial.

Without commenting upon the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner, namely, Satwant Singh, is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

14.09.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No