

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M No.13919 of 2021
Date of Decision: 15.09.2021**

Dalveer Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. Rana Harjasdeep, DAG Punjab.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.25 dated 15.02.2020 under Sections 302 and 34 of the Indian Penal Code, 1860 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner would contend that the first petition being CRM-M-22782-2020 for regular bail of the petitioner was dismissed as withdrawn on 23.11.2020. Since then the change in circumstances are that the challan has been filed and charges have been framed and out of 53 witnesses only 1 has been examined till date i.e. the complainant. Learned counsel for the petitioner would further contend that the petitioner in the present case is a school teacher who, on the first day of joining the school, was asked to drive the vehicle as the driver of the vehicle

had not come. The petitioner at the risk of loosing his job was compelled to drive the vehicle and had no idea about the condition of the school van. Learned counsel for the petitioner further contends that the petitioner was merely a school teacher and is neither the owner of the vehicle nor holds any position or authority in the school. Learned counsel also contends that the petitioner has been in custody since 16.02.2020.

Learned State counsel is not in a position to deny the fact that the petitioner was only a music teacher who was asked to drive the vehicle on the fateful day. He is neither the owner of the vehicle nor holds any position or authority in the school. Learned State counsel further is not in a position to dispute the fact that out of 53 witnesses only 1 has been examined till date.

I have heard learned counsel for the parties.

In view of the fact that the petitioner was only a music teacher and is neither the owner of the vehicle nor holds any position or authority in the school and further that he has been in custody since 16.02.2020 and till date out of 53 witnesses only 1 has been examined and the trial is likely to take some time, I find this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for

cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

**(ALKA SARIN)
JUDGE**

**15th September, 2021
jk**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO