

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

205

CRM-M-11835-2020

Date of Decision: 09.08.2021

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shobit Phutela, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab,
assisted by ASI Kashmir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.40 dated 01.03.2020 at Police Station Sirhali, Tarn Taran, under Sections 304/279/337/338/427 IPC.
2. The FIR in question was lodged at the instance of Raman Kumar, wherein it is alleged that on 22.02.2020, his cousin namely Lakhan Sharma alongwith his sister Sapna Kalia were going on their motor-cycle, while the complainant alongwith Deepak Kumar was following them. It is alleged that at about 2.00 PM, an Alto car bearing registration No.PB02-BX-6772 came from the opposite side at a high speed and hit against the Bullet motor-cycle of complainant's cousin and on account of which the complainant's cousin Lakhan Sharma and his sister Sapna Kalia as well as her son Pranav Kalia fell on the road. It is alleged that although Lakhan Sharma was taken to hospital, but he succumbed to his

injuries. The complainant alleged that the driver of the Alto car was in inebriated condition and later they came to know the name of the driver as Avtar Singh.

3. Learned counsel for the petitioner has submitted that it is a case of vehicular accident and that there was no intention whatsoever of the petitioner to cause the accident or to cause the death of Lakhan Sharma and that at best it is a case falling within the ambit of Section 304-A IPC.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is stated to in inebriated condition as per FIR, the accident cannot be said to be just on account of negligence.
5. However, learned State counsel could not point out or furnish any medical report to show that the petitioner was under influence of liquor at the time of accident.
6. In view of the aforestated position wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 20.03.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

09.08.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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