

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22191-2021 (O&M)

Date of decision: 03.08.2021

Napa Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Vipul Sachdeva, Advocate and
Mr. Shakti Mehta, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Napa Ram, an accused in FIR No.0042 dated 19.04.2021, for offences under Sections 279, 338, 304 and 427 IPC, registered with Police Station Division 1, District Police Commissionerate Jalandhar.

In nutshell, the facts of the case as per prosecution story are that, criminal machinery in this case was set into motion by complainant Harpreet Singh @ Happy son of late Sh. Somnath, R/o Ali Mohalla, Jalandhar, aged about 38 years, who in the statement got recorded by him with the police stated that on 19.04.2021 at about 12.45 PM when Jatinder Sabharwal, brother of the complainant along with his son Dikshant was going to Harbhajan Cricket Academy, Suranusi, Jalandhar on his scooter bearing No.PB08-EC-7563 to drop Dikshant at said

academy, the complainant on his motorcycle was following the scooter; when they reached Harbhajan Cricket Academy, they found the academy to be closed, as such, they started journey back home; while they had reached near front of Maqsudan Vegetable market, a truck bearing registration No.HR38-R-7390 being driven at a very high speed came and was about to hit the scooter of Jatinder Sabharwal, Jatinder Sabharwal asked the truck driver to drive properly, at which the driver became angry and stated that he would teach a lesson to them; in order to avoid any quarrel, Jatinder Sabharwal sped away his scooter; the truck driver followed him and while driving the truck at a very high speed struck against scooter of Jatinder Sabharwal from behind; resultantly, Jatinder Sabharwal and his son Dikshant fell on the road, whereas, the truck driver fled from the spot; Dikshant died at the spot, then, Jatinder Sabharwal suffered grievous injuries; the incident had taken place at about 01.30 PM; Jatinder Sabharwal was taken to Satyam hospital; the matter was reported to the police; the name of the truck driver came to be known as Napa Ram son of Munshi Ram, R/o Village Jait, Tehsil Nagrotta, District Kathua, Jammu & Kashmir (present petitioner); formal FIR in the matter was recorded. The petitioner-accused was arrested in this case on 20.04.2021.

Petitioner/accused had filed an application for grant of regular bail before the Court of Sessions at Jalandhar. His such application which was assigned to Addl. Sessions Judge, Jalandhar was dismissed, vide order dated 17.05.2021. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed

by learned State counsel.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very grave and serious that on account of a small quarrel with Jatinder Sabharwal, he while driving his truck at a very high speed on a public road hit the scooter of Jatinder Sabharwal from behind with a result, Jatinder Sabharwal and his son Dikshant fell on the road, suffering multiple injuries and Dikshant had died at the spot. By his such criminal acts, the petitioner had brought life of a young boy to end, whereas, causing grievous hurt to father of the boy without any fault on their part.

Though, learned counsel for the petitioner has contended that petitioner is not named in the FIR and it is a simple case of road accident, which has been converted into a case of culpable homicide by twisting the facts, so as to make the offence more grave but I find little merit in such argument of learned counsel for the petitioner. In the statement of complainant recorded with the police, it is categorically mentioned that the complainant came to know the name of the truck driver as Napa Ram son of Munshi Ram, R/o Village Jait, Tehsil Nagrotta, District Kathua, Jammu & Kashmir, therefore, it cannot be said that petitioner was falsely involved in this case after due deliberations and consultations. Even otherwise, no motive for doing so has been brought on record by the petitioner. It is specific case of the prosecution that petitioner/accused had struck his truck against scooter of Jatinder Sabharwal with an intention to kill him. Therefore, prima facie offence under Section 304

IPC is disclosed against the petitioner and it cannot be said that it is a simple case of road accident and result of rash and negligent driving of his truck, which by manipulation of facts is sought to be projected as case of culpable homicide, so as to make the offence more serious. Rather it comes out that the petitioner-accused had intentionally hit the scooter driven by the complainant from behind resulting in both the riders falling down and suffering injuries. He has been rightly booked for offence under Section 304 IPC, rather than Section 304-A IPC. There being no previous enmity between the complainant and accused, it cannot be understood as to why the complainant should do so. The petitioner has committed a heinous crime, as such, he does not deserve to be granted concession of regular bail, since as per apprehension expressed by learned State counsel, which I do not see any reason to reject, there is likelihood of petitioner absconding and tampering with the prosecution evidence, if granted concession of bail.

Thus, no reason is there to accept the petition. The petition lacks merit and is dismissed accordingly.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

03.08.2021

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(H.S. MADAAN)
JUDGE

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