

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101)

CRM-M-28758 of 2021 (O&M)

Date of Decision: 02.08.2021

Sadakat Ali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Mikhail Kad, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

On 26.07.2021, the following order had been passed:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.74, dated 9.7.2021, having been registered at Police Station Longowal, District Sangrur, alleging therein the commission of offences punishable under Sections 304/283/427 of the IPC.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because it has not been established at all that he was the driver of the truck in question.

He next submits that it is not a case where Section 304 of the IPC could have been invoked, it being a roadside accident and therefore at best an offence punishable under Section 304-A of the said Code could have been invoked by the investigating agency and consequently, the petitioner is entitled to the concession of anticipatory bail.

Since it is the specific contention of learned counsel for the petitioner that the petitioner was not even the driver of the truck, notice of motion is issued, with Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepting notice at the asking of the court.

A gazetted officer is directed to file at least a short affidavit, stating therein as to how the petitioner has been connected to the occurrence in question, i.e. as to how it was established that he was the driver of the truck in question.

Adjourned to 2.08.2021.

It is made clear that there is no interim order operating in favour of the petitioner at this stage.”

Despite the above order, not even a short affidavit of a gazetted officer has been filed, though learned counsel for the State submits that he has received a copy of one dated July 30, 2021, stating to the effect that upon the owner of the truck in question having been questioned, he had disclosed the name of the petitioner to be the driver of the truck.

On the above contention of the learned State counsel, learned counsel for the petitioner submits that he does not press this petition.

Dismissed as withdrawn.

02.08.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No