

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30422-2021 (O&M)

Date of Decision:-9.8.2021

Sahil

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Amandeep Kaur, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab,
assisted by ASI Lali Ram.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.109 dated 14.05.2021 at Police Station City Samana, District Patiala, under Section 304 IPC.
2. The FIR in question was lodged at the instance of Krishna Rani, wherein it is alleged that her younger son Vicky Kumar used to do labour work and had been employed in JS Factory, Samana and was on night duty. However, after he left for duty on the evening of 12.05.2021, he did not return back. Upon enquiries made by her, she came to know that Vicky Kumar had accompanied

Sahil (petitioner), Vishal, Magoo @ Rashpal and Sagar Chauhan and had proceeded towards Bhakra canal so as to consume liquor. It is alleged that the said persons purposely asked Vicky to get water from canal while they were aware that the same was risky and Vicky could fall in the canal. It is further the case of the prosecution that later the body of Vicky Kumar was found in the canal.

3. Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, still no offence under Section 304 IPC can be made out as there is nothing to suggest that there was any intention on the part of the petitioner or other accused to kill Vicky (deceased). It has further been submitted that at best, it could be a case falling under the scope of Section 304-A IPC, which also would be debatable.
4. Opposing the petition, learned State counsel has submitted that since a person has lost his life which in fact could have been avoided in case the accused had been more careful, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, it will certainly be debatable as to whether the facts of the case would attract an offence under Section 304 IPC. In these circumstances, further detention of the petitioner will not serve any useful purpose particularly when the petitioner is not even stated to be involved in any other case. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

9.8.2021
pankaj

(Gurvinder Singh Gill)
Judge

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