

CRM-M-15058-2022
Date of Decision: 29.11.2022

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Mr. Amit Rana, Sr. DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.153 dated 30.08.2021 under Sections 304, 427, 337, 338 IPC, 1860 , registered at Police Station Machhiwara Sahib, District Ludhiana.

Learned counsel for the petitioner submitted that the petitioner is in custody for about 1 year and 3 months. He submitted that the investigation of the case has been completed and challan has been presented before the competent Court. He further submitted that as per the allegation, the petitioner was driving a car which caused the killing of small girl during the festival of Dusshera. He submitted that the complaint was lodged by the father of the deceased, namely, Jamodh Dass @ Jamwant who has now been examined as PW-1 and he has not supported the prosecution version and rather he has

stated that the petitioner is not the same person who was driving the offending vehicle.

Learned counsel for the petitioner has supplied the photocopy of aforesaid deposition of PW-1 in the Court and the same is taken on record as mark 'X'.

Learned counsel for the petitioner further submitted that in view of the aforesaid position and the fact that the petitioner is not a habitual offender and is not involved in any other case, he may be considered for the grant of regular bail.

On the other hand, learned State counsel submitted that it is correct that the petitioner is suffering incarceration for more than 1 year and 3 months. The investigation of the case has been completed and the challan has been presented. He submitted that the petitioner is not a habitual offender and is not involved in any other case except one case under Section 323 of IPC.

I have heard the learned counsel for the parties.

It is a case where the allegation against the petitioner is that the petitioner was driving a car in a drunken state which caused the killing of daughter of complainant and the complainant has since been examined in the present case who according to the learned counsel has not supported the prosecution version and rather he has stated that the petitioner was not driving the car. The photocopy of the same has been supplied to the Court.

The trial of the case may take long time and keeping in view the custody of the present petitioner, this Court deem it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on bail subject to the appropriate terms and conditions to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed herein above shall not be treated as an expression of opinion on merits of the case & is only meant for the purpose of decision of present petition.

29.11.2022
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(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No