

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

CRM-M-18235-2022(O&M)

Date of decision:-1.8.2022

Napa Ram

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Sangram S Saron, Advocate
for the petitioner.

Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J. (ORAL)

1. This second petition for regular bail has been filed by petitioner Napa Ram, aged 42 years, resident of Jat Nagrota, Tehsil Basholi, District Kathua, Jammu & Kashmir, an accused in FIR No.0042 dated 19.4.2021 for the offences under Sections 279, 338, 304, 427 IPC, registered with Police Station Division No.1, District Police Commissionerate, Jalandhar. First such petition bearing CRM-M-22191-2021 filed by the petitioner had been dismissed vide a detailed order dated 3.8.2021.

2 Briefly stated, the facts of the case, as per the prosecution story are that criminal machinery in this case was set into motion by complainant Harpreet Singh @ Happy son of late Sh.Somnath, resident of Ali Mohalla, Jalandhar, who in the statement got recorded by him with the police stated that on 19.4.2021 at about 12:45 p.m., 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 that 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.HR38R-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 1:30 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, resident of 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 20.4.2021. As mentioned above, the petitioner had filed a similar petition earlier, which was dismissed vide a detailed order dated 3.8.2021 Now he has come to this Court for the second time craving for that very relief of regular bail, which request is being opposed by the State counsel.

3. I have heard learned counsel for the parties besides going

through the records.

4. As per the report received from the trial Court, statements of eye-witnesses have been recorded, that rules out the possibility of petitioner trying to threaten or give any inducement to such witnesses and to tamper with the prosecution evidence. Out of 25 PWs cited by the prosecution, only 5 PWs are said to have been examined so far as stated by the State counsel with next date of hearing being 29.8.2022.

5. Considering the pace at which the trial is going on, the conclusion of the trial is likely to take considerable time. As per the custody certificate filed by the State counsel dated 7.5.2022, the petitioner/accused has undergone imprisonment of 1 year and 17 days and since now we are in the month of August, adding 3 months more, the custody period of the petitioner/accused comes out to be more than 1 year and 3 months.

6. Under the circumstances, this petition for regular bail calls for acceptance. The same is allowed and the petitioner is ordered to be released on bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Jalandhar, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall join the investigation as and when directed by the Investigating Officer;
- (v) he shall not leave India without prior permission of the Court; and
- (vi) he shall surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard.

7. The Court accepting bonds would ensure that sureties furnished are local having documentary proof of immovable properties in their names situated within jurisdiction of the Court of the value double the surety amount. Photographs of the sureties, attesting witnesses and the accused be got attached on the bonds and copies of the title deeds be also got attached with endorsement made on the original title deeds with regard to the said person having stood surety for the accused in this case.

8. In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

9. In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

1.8.2022
Brij

(H.S. MADAAN)
JUDGE

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