

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

CRM-M-30937-2021

Date of decision-15.03.2022

Amritpal Singh @ Mattu

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Narinder Lucky, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.58 dated 13.03.2021 under Sections 304, 337, 279 and 427 Indian Penal Code, 1860 registered at Police Station Gate Hakima, District Amritsar, who is in custody since his arrest on 15.03.2021.

The contents of the FIR as noticed by learned Additional Sessions Judge, Amritsar in his order dated 14.07.2021 are as under:-

“The allegations in the present case are that on 12.3.2021, the complainant along with his wife Avinash Rani was going on his scooter Bajaj Chetak bearing No.PB-02-AC-4199 and one motor-cycle was also going alongwith them and then one Car Bolero bearing registration No.PB-02-CP-5172 came with high speed and hit both the vehicle and out of three persons two died and wife of the complainant died on the spot and the other person died on the way to hospital.”

Learned counsel for the petitioner has argued that as per

allegations, the complainant was driving the motorcycle and his wife, namely, Avinash Rani was pillion rider, when a car bearing No. PB-02-CP-5172 driven by the accused hit them, resulting into death of his wife and another unknown person, who was also riding on a separate two wheeler. According to him, the complainant had seen the offending vehicle, who allegedly signalled him (petitioner) to slow down, but himself continued to drive the motorcycle, therefore, it cannot be said that the complainant was not negligent. According to him, in any case, it would be debatable, if, the said death of the victims would amount to culpable homicide. He has pointed out that the investigation of the case is complete and charges have been framed, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by ASI Rajnish Kumar has opposed the prayer and has argued that the investigation of the case is complete and nature of the offence would be seen by the trial Court after the prosecution discharges the onus. He submits that in the said occurrence two persons died. He further states that in all there are 19 prosecution witnesses and only 1 witness has been examined so far. He on instructions further states case is now fixed for 24.03.2022 before the trial Court for prosecution evidence.

After hearing learned counsel for the parties, considering the above background, custody of the petitioner and the fact that the trial will take considerable time to conclude as eighteen witnesses are yet to be examined, this Court is of the opinion that further detention of

the petitioner, behind the bars may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

15.03.2022

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(MANOJ BAJAJ)
JUDGE

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