IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32148-2021(O&M)
Date of decision: May 31, 2022

Lakhwinder Singh

….Petitioner

versus

State of Punjab

….Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Karan Nehra, Advocate for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab.

Mr. Amit Kumar Walia, Advocate,
For the complainant.

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ARUN MONGA, J. (ORAL)

This is second foray of the petitioner before this Court, seeking regular bail in FIR No.25 dated 15.02.2020, registered under Section 302 of the Indian Penal Code, 1860 (for short 'IPC'), Section 75 of Juvenile Justice Act, 2015, Sections 181 and 207 of the Motor Vehicles Act at Police Station Longowal, Sangrur. Earlier bail petition one was dismissed on 28.08.2020.

2. *Per* FIR, petitioner is the owner of Simran Public School, Longowal. On 15.02.2020, a van bearing registration No.PB-11AG-4244, managed and plied by school administration was enroute to drop school children burst into flames. As a result of which, four children out of twelve died at the spot while some others survived with severe burn injuries.FIR was registered. The petitioner, Principal-cum-Manager of school, was arrested and is stated to be in custody since 16.02.2020.

3. Learned counsel for the petitioner submits that offence under Section 302 IPC is not attracted as the vehicle caught fire accidentally. He refers to mechanical report Annexure P-2 to contend that there was no gas kit installed therein. He submits that petitioner purchased the vehicle in question just a day before the incident i.e. on 14.02.2020, on the assurance of a

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mechanic about its good condition. He further submits that challan has already been presented and the charges have also been framed. He submits that per his information, 38 witnesses have already been examined including material witnesses and only a few of the formal witnesses remain unexamined. Conclusion of trial will take long time and no useful purpose would be served by keeping the petitioner behind the bars.

4. *Per contra*, learned State counsel opposes the bail plea and submits that no fresh grounds are made out for granting the petitioner the concession of bail.

5. I have heard the rival contentions of the respective learned counsels.

6. Given the nature of allegations, I am not inclined to grant bail at this stage. However, it is made clear that trial Court shall not grant any unnecessary adjournments and conclude the prosecution testimony positively within a period of two months. The petitioner is at liberty to approach the learned Sessions Court after the completion of recording of prosecution testimonies and Court below is also at liberty to entertain the bail petition, if moved and pass fresh orders, as it may deem fit, without being influenced by the declining of earlier or instant bail petition by this Court.

7. Disposed of accordingly.

(ARUN MONGA)
JUDGE

May 31, 2022
vandana

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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