

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46227-2021

DATE OF DECISION: FEBRUARY 15, 2022

ASHU RAM

...PETITIONER

VERSUS

STATE OF U.T., CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ANKIT KUMAR, ADVOCATE FOR THE PETITIONER.
MS. SIMSI DHIR MALHOTRA, APP, U.T., CHANDIGARH.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.131 dated 23.8.2021, under Section 279, 337, 304 IPC, Police Station South Sector 34, Chandigarh, who is in custody since his arrest on 24.8.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Chandigarh in the order dated 6.9.2021, are as under:-

“Complainant Abid and his younger brother Arshad were going on their Activa scooter to their work place at Dulha House, Sector 17, Chandigarh. Said Scooter was being driven by Arshad. It was about 9.45 am. It was red light signal at Sectors 21/22, 35/34 chowk. They stopped the scooter behind the stop line. By then the above-said Ambulance came from behind. Its driver was driving it at a very high speed. He firstly hit this Ambulance into two auto rickshaws, then into two activa scooters due to which all these four vehicles turned turtle. This Ambulance then hit into scooter no.CH01-BP-9745 of complainant party throwing both its occupants on the

road. They both were seriously injured. Auto passengers also had suffered injuries. The Ambulance driver (applicant), without stopping the Ambulance vehicle, kept hitting other vehicles one after another in attempt to flee away but failed. He left the Ambulance behind and escaped. Complainant and his brother were taken to Hospital where Arshad was declared dead.”

Learned counsel for the petitioner has argued that as per the prosecution, the petitioner while driving the ambulance caused death of Arshad, whereas five other persons were also injured and after completion of investigation, the final report has been filed for the offences punishable under Section 304 read with Sections 279 and 337 IPC. He submits that the petitioner was taking patient to the hospital, who required emergency treatment and the alleged occurrence took place because of the vehicular accident. He prays for bail.

On the other hand, learned State counsel assisted by Inspector Sarwan Kumar has opposed the aforesaid prayer, but stated that after completion of investigation, final report was filed on 22.10.2021, however, the charges are yet to be framed.

Considering the nature of offence, custody of the petitioner and the fact that the final report stands filed, but charges are yet to be framed, this Court is of the opinion that conclusion of trial would take considerable time. Therefore, further detention of the petitioner may not be necessary for any useful purpose as the petitioner is presently confined in judicial custody since 24.8.2021.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 15, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes

Whether Speaking/Reasoned : Yes/No