

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-50822-2021****Date of decision : 11.04.2022****Manoj****.... Petitioner****Versus****State of Haryana****.... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present: Mr. Hemant Bassi, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

*********RAJESH BHARDWAJ, J. (ORAL)**

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.343 dated 20.08.2021, under Sections 186, 332, 353, 307 of the Indian Penal Code (Sections 3/181, 185, 188 of Motor Vehicle Act and Section 61 of Punjab Excise Act, 1914 added later on), registered at Police Station Sadar Sonapat.

As per the factual matrix of the case, the present FIR has been lodged by Constable Sudeep. It has been alleged that the complainant along with other police officials suspected the Car No.HR10AM 3950 Marka Swift of white colour which was coming from Sonipat to Kakroi wherein two boys were sitting. When the complainant PSI Sandeep pointed the car to stop, the driver of the car increased the speed and rammed the police officials with intention to kill them. Due to the same, the complainant, other police officials and the driver of the car namely, Manoj suffered injuries and it was alleged that driver of the car namely, Manoj i.e. petitioner who was arrested at the spot, was under drunken condition. The prayer was made to take the legal action against the accused-petitioner. On the commencement of the investigation, the injured and the petitioner were sent for the medical

examination. There were found to be grievous injuries to the police officials.

Learned counsel for the petitioner has vehemently contended that the petitioner is a student pursuing his LLB. It is submitted that basically it was a case of accident which has been given the colour of attempt to murder only because the injured in the case are police officials. He submits that the petitioner had every opportunity to escape from the scene, however, in all his *bona fide*, he never escaped from the scene of occurrence and as per the case of the prosecution itself, he was arrested on spot. He was medically examined and there is no evidence to prove the allegations in the FIR that he was drunk. He further submits that bottle of the liquor shown to have been recovered from the car was also planted by the police officials in order to increase the gravity of the offence. It has been submitted that the injured were discharged from the hospital within a week. He has submitted that the accident was totally unintentional and from the facts and circumstances of the case, no case under Section 307 IPC is made out. He further submits that the petitioner has never been involved in any of such offence on earlier occasion. He has submitted that the investigation in this case is already complete, the charges are also framed and the case is fixed for recording the prosecution evidence. He submits that petitioner is behind the bars since 19th August, 2021 and he deserves to be enlarged on bail.

Learned State counsel opposes the submissions made by counsel for the petitioner. He, on instructions from ASI Ashok Kumar, has submitted that the petitioner has intentionally hit his vehicle with the police officials who suffered grievous injuries. He has candidly acknowledged that the investigation is already complete and the charges are framed and out of 17 prosecution witnesses, 01 witness has already been examined.

I have heard learned counsel for the parties and perused the records.

As per the facts of this case, the alleged accident took place on 19.08.2021 and the petitioner was arrested on the spot. There is nothing on record to corroborate the allegations levelled against the petitioner being drunken at the time of alleged accident. The injured in the case are police officials who were discharged after treatment from the hospital. The investigation in the case is already complete and the prosecution evidence is going on before the trial Court. There is nothing on record showing the petitioner having any criminal antecedents/background.

The veracity of the allegations would be assessed by the trial Court after the conclusion of the trial. The trial of the case will take sufficient long time and no useful purpose will be served by keeping the petitioner in custody for such a long time. However, confining to the prayer made for the grant of bail, this Court is convinced that the counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.04.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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