

224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-76 of 2022(O&M)
Date of Decision: 14.11.2022

Harikesh Gupta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mohd. Yousaf, Advocate
For the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab.

KARAMJIT SINGH, J.

CRM-38788 of 2022

This is an application for placing on record the statements of witnesses recorded at the trial as Annexures P-2 to P-9.

Notice of the application.

Learned State counsel has given no objection if the application is allowed.

For the reasons mentioned in the application, the same is allowed and Annexures P-2 to P-9 are taken on record.

CRM-M-76 of 2022

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 151 dated 06.09.2021, registered under Sections 279, 337, 338, 304 and 427 IPC at Police Station City Nakodar, District Jalandhar.

Counsel for the petitioner submits that as per prosecution version the petitioner while driving truck trolly in rash and negligent manner caused death of one Jasbir Kaur and also caused injuries to 08 other persons and consequently the petitioner was charged under Section 304 IPC by the trial Court. Counsel for the petitioner further submits that during trial the complainant and 08 injured witnesses are examined and all the injured witnesses failed to identify the petitioner while appearing in the witness box. Counsel for the petitioner further submits that even the complainant in his cross examination has clearly stated that no test identification parade was conducted in the present case. Copies of the aforesaid depositions are Annexures P-2 to P-9. The counsel for the petitioner further submits that petitioner is lodged behind the bars for the last more than 01 year and 02 months and it will take considerable time for the trial to conclude as in total 30 witnesses are to be examined on behalf of the prosecution. So, prayer is made for grant of regular bail to the petitioner.

The present petition is contested by State counsel who on instructions from ASI Paramjeet Singh has not disputed the fact that after framing of charges now the petitioner is facing trial and during trial 19 witnesses have already been examined including all the material witnesses. The State counsel has not disputed the copies of statements of prosecution witnesses Annexures P-2 to P-9 which are placed on record by the counsel for the petitioner.

I have considered the submissions made by counsel for the parties.

As per custody certificate furnished by the State counsel, the custody of the petitioner comes out to be more than 01 year and 02 months.

He is having no criminal antecedents. Admittedly, trial is going on and already 19 prosecution witnesses including all the material witnesses are examined. From perusal of Annexures P-2 to P-9 it appears that persons who sustained injuries at the time of occurrence have failed to identify the driver of the offending vehicle while appearing in the witness box. As all the material witnesses have been examined in the present case, there is no apprehension that if released on bail, the petitioner is going to influence them.

In the light of the above, this Court is of the opinion that no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond with one surety of the like amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.11.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No