

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-266-2023

Date of Decision: 2.3.2023

Gaurav

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.340 dated 12.11.2021 registered for the offences punishable under Sections 279, 337 IPC (Challan presented under Sections 279, 337, 304-A, 420, 467, 468, 471, 201 IPC) at Police Station Bawal, District Rewari.

The allegations in brief are that co-accused Nagesh while driving Maruti Ertiga car belonging to the petitioner caused motor vehicle accident which resulted in the death of Bir Singh father of the complainant. The allegations against the petitioner are that he committed some forgery in order to show that the said car was not a commercial vehicle but a private vehicle.

Counsel for the petitioner submits that the petitioner has nothing to do with the alleged motor vehicle accident which was caused by one Nagesh while driving the car owned by the petitioner. He further

submits that the petitioner has not committed alleged forgery and is in custody since 18.9.2022 and the main accused who committed accident is already granted regular bail. He further submits that after completion of investigation, the police has presented the challan but even thereafter, it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

Notice of motion.

Mr. Vishal Kashyap, DAG, Haryana accepts notice on behalf of the State and he while resisting the present petition, on instructions from HC Vipin, submits that there is no doubt that the accident in question was committed by one Nagesh while driving the car belonging to the petitioner; that however, the petitioner committed forgery in order to show that the car in question was used only for personal use and was not meant for commercial use. However, the State counsel has not disputed the fact that the petitioner is in custody since 18.9.2022 and the trial is yet to commence.

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

It is a matter of evidence as to whether the petitioner committed any such forgery as has been alleged by the prosecution. Admittedly, after completion of investigation, the police has presented the challan but charges are yet to be framed and it will take considerable time for the trial to conclude. In the given circumstances, no useful purpose is going to be served by prolonging the judicial custody of the petitioner.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to

the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 2, 2023
Paritosh Kumar

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