

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1800-2023 (O&M)
Date of Decision:-26.05.2023

JIVESH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Sandeep Prakash Chahar, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.311 dated 20.9.2022 registered under Sections 279, 337, 186, 333, 353, 476, 34 IPC at Police Station Sector-14, District Gurugram.
2. In the instant case, FIR was registered on a complaint made by SI Mukhtiyar Singh, wherein it was stated that on 20.9.2022, at about 8:30 am, he was on traffic duty and in the meantime Swift car having registration No.HR-98-9898 driven by petitioner having black film on

its window panes was seen coming and it was signalled to stop. However, the car was driven at high speed and it hit the complainant, resulting in injury to his right hip as the complainant fell on the road, while the driver of the car fled away from there. During investigation, the petitioner was arrested on 17.10.2022.

3. The counsel for the petitioner *inter alia* contends that no such incident as alleged by the petitioner has taken place. The counsel for the petitioner further submits that the petitioner was not named in the FIR and was later on arrested by the police. The counsel for the petitioner further submits that from the perusal of testimony of PW-1 Dr. Rakesh Lamba and PW-2 Dr. Ellora Nanda, it is evident that the alleged injury was manipulated by the complainant, who is a police official. The counsel for the petitioner further submits that the alleged occurrence took place in the area of Gurugram city, whereas complainant got himself x-rayed in Mahindergarh, which is at distance of about 110 kilometers from the place of alleged occurrence. The counsel for the petitioner further submits that from the perusal of testimony of PW-2, it appears that initially the complainant was taken to local hospital in the area of Gurugram and provided first aid, but he left the hospital against medical advise. The counsel for the petitioner further submits that it will take time for the trial to conclude and the petitioner who is having no criminal history is incarcerated for the last more than 7 months. So prayer is made that the petitioner be released on regular bail.

4. The instant petition is resisted by the State counsel, who submits that the petitioner while driving his car in rash and negligent manner and while ignoring the signal given by police official, hit his car against the complainant as a result of which the complainant sustained grievous injury for which he is provided medical treatment. However, the State counsel on instructions from ASI Ashok has not disputed the fact that x-ray examination of the complainant was conducted in Mahindergarh, which is at distance of more than 100 kilometers from the place of incident.
5. I have considered the submissions made by counsel for the parties.
6. The FIR in the present case was registered against driver of the offending vehicle, who escaped from the spot and the petitioner who is not named in the FIR, was later on arrested and is in custody for the last more than 7 months. The counsel for petitioner has doubt that the alleged injury and x-ray report has been manipulated by the complainant, a police official as his x-ray examination was conducted at a distance of about 100 kilometers from the place of occurrence while good and reputed hospitals were available near the place of occurrence. Admittedly the trial is at its initial stage as only 2 prosecution witnesses are examined and their testimonies are placed on record. Victim is a police official, so there is no apprehension that if released on bail, the petitioner is going to influence him.
7. In view of the above, no fruitful purpose is going to be served by prolonging judicial custody of the petitioner, who is having no criminal history, for any longer period. Thus, without commenting on

the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

26.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No