

(102) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2596-2023
Date of Decision: 25.01.2023

NAVJOT SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

DEEPAK MANCHANDA, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No. 147 dated 30.12.2022 registered under Sections 304 and 427 of the Indian Penal Code at Police Station Sadar Sangrur, District Sangrur.

Allegations against the present petitioner in the FIR are that on 29.12.2022, at about 10:30 pm, one Scorpio Vehicle bearing registration No. PB-13-AB-9511 coloured white driven by its driver (petitioner) was at a high speed and in zigzag manner came from the side of Badhrukhan and it appeared that the driver had consumed some intoxicant, who hit his vehicle straight to Mukhtiar Singh, Gurbaz Singh, Gurdeep Singh and Amanpreet Singh (deceased) and the motorcycle as an impact of that, all persons fell down resulting in the unfortunate death of aforesaid four persons.

Learned counsel for the petitioner contends that from the bare perusal of the FIR, it is evident on record that the present case is a case of

304A, which has been converted into 304 IPC, without there being any evidence in this regard. He submits that accident took place at about 10.30 pm on 29.12.2022 on account of fog as it is an admitted case of the complainant himself that the motorcycle of Mukhtiar Singh had stopped functioning so his son Gurbaz Singh was sent towards Mukhtiar Singh, Gurdeep Singh and Amanpreet Singh and all were checking the motorcycle while standing on the road, when the accident in question took place. It is further contended that there is no whisper of allegation against the petitioner regarding any motive and it would be debatable issue during trial whether the accident in question took place on account of negligence of the driver of the Scorpio vehicle or on account of the negligence of deceased and so far custodial interrogation is concerned, the same is not warranted as nothing is to be recovered from the petitioner. He, therefore contends that petitioner deserves the concession of anticipatory bail.

Vide order dated 18.01.2023, the status report was directed to be filed and the same has been filed today on behalf of the respondent-State by the learned State counsel by way of an affidavit of Ajaypal Singh, PPS, Deputy Superintendent of Police, Sub Division, Sangrur and the same is taken on record. Learned State counsel opposes the bail application on the ground that during the investigation, it has come on record that petitioner was negligent in driving as he was under the influence of liquor and referred to para No. 3 of the status report and submits that during investigation, rough site plan of the place of occurrence was prepared, statements of 8 witnesses who identified the dead bodies of the deceased were recorded under Section

175 Cr.P.C. Post mortem of dead bodies of deceased Gurbaz Singh, Mukhtiar Singh, Gurdeep Singh and Amanpreet Singh was got conducted from Civil Hospital, Sangrur in PMR No. 301224/NA/SGR/22 of deceased Mukhtiar Singh, the case of death was reported by the doctor as

“In my opinion is due to head injury, which is antemortem in nature and is sufficient to cause death in ordinary course of nature”.

In PMR No. 301223/NA/SGR/22 of deceased Gurbaz Singh, the case of death was reported by the doctor as

“In my opinion is due to hypovolemic shock, which is due to multiple injuries including head injury, which is antemortem in nature and is sufficient to cause death in ordinary cause of nature”.

In PMR No. 301222/NA/SGR/22 of deceased Gurdeep Singh, the cause of death was reported by the doctor as

“In my opinion is due to hypovolemic shock, which is due to multiple injuries including head injury, which is ante-mortem in nature and is sufficient to cause death in ordinary course of nature”.

In PMR No. 301225/NA/SGR/22, of deceased Amanpreet Singh, the cause of death was reported by the doctor as “

In my opinion us due to hypovolemic shock, which is due to multiple injuries including head injury, which is ante-mortem in

nature and is sufficient to cause death in ordinary course of nature”.

After postmortem, their dead bodies were handed over to their legal heirs for cremation. Statements of witnesses under Section 161 Cr.P.C. were recorded. The accidental motorcycle bearing No. PB-13AV-3941 make Platina and was taken into possession vide memo dated 30.12.2022 duly signed by the witnesses. The car No. PB-13AB-9511 make Scorpio, that caused accident along with its RC, documents of its insurance, one empty liquor bottle marka Royal Stag, one empty beer bottle and two glasses were taken into possession vide memo dated 30.12.2022 duly signed by the witnesses. On verification, the car bearing No. PB 13 AB 9511, which caused the accident, due to rash and negligent driving by accused Navjot Singh petitioner is found in the name of Gurpreet Singh (father of the accused/petitioner) S/o Surjit Singh. Mechanical Reports regarding both the vehicles i.e. accidental motorcycle and the car bearing No. PB 13AB 9511 make Scorpio were also obtained.

I have heard learned counsel for the parties and have gone through the case file wherein State has specifically stated that petitioner was under the influence of liquor at that time and one liquor bottle, one empty bear bottle along with two glasses were recovered vide memo dated 30.12.2022 and was rash and negligent while driving the offending vehicle, which has resulted into unfortunate demise of 4 persons, who have lost their precious lives due to negligent conduct of the petitioner.

In view of the same, present petition is devoid of any merit and is hereby dismissed.

(DEEPAK MANCHANDA)
JUDGE

25.01.2023

Ajay Goswami

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No