

CRM-M- 2021-2023 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 2021-2023 (O&M)

Date of Decision: 24.05.2023

Harjit Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Surinder Garg, Advocate
for the petitioner.

Mr.Madhur Sharma, AAG, Punjab.

Mr. Amaninder Singh Sekhon, Advocate
for the complainant.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 174 dated 28.10.2022 under Sections 304, 279, 427 IPC (Section 279 IPC has been deleted vide Rapt No. 19 dated 26.12.2022 and the challan has been presented only under Sections 304, 427 IPC) registered at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner contends that the petitioner is in custody since 31.10.2022 and has been falsely implicated in the present case as the petitioner had no enmity with the complainant or the alleged

CRM-M- 2921-2023 (O&M)

-2-

victims and the alleged accident took place due to rash and negligent driving of the motor-cyclist only. It is also argued that offence under Section 304 IPC is not made out against the petitioner as the motorcyclist suddenly took a turn towards him and rammed in his car. He further contends that the challan stands presented and charges have been framed and out of total 20 prosecution witnesses, only 07 witnesses have been examined till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, learned counsel for the complainant as well as for the respondent-State, on instructions from the Investigating Officer, oppose the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he is also involved in another case i.e. FIR No. 152 dated 12.12.2009, however, he does not dispute the fact that the investigation is complete and the challan stands presented and also submits that out of total 20 witnesses, 07 witnesses have already been examined.

Confronted with the same, learned counsel for the petitioner submits that the petitioner has been acquitted in the said case vide order dated 28.01.2015.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 31.10.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the investigation is complete and the

challan stands presented and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

24.05.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>