

CRM-M-18566 of 2023

2023:PHHC:077508

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-18566 of 2023

Date of decision: 25.05.2023

Anil Kumar

.....Petitioner

Versus

State of UT, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. B.S. Rana, Advocate,
for the petitioner.

Mr. Deepinder Singh, Addl. P.P,
for U.T., Chandigarh.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.167 dated 13.09.2022 under Sections 279, 337, 304-A IPC (Sections 107 and 304 IPC added later on), registered at Police Station Industrial Area, District Chandigarh.

2. FIR in the present case was registered on the complaint of Rohit alleging that on 12.09.2022, he along with his friend Kashim was going to their home from Industrial Area on the bicycle of Kashim. At about 10.20 p.m., when they reached near Poultry Farm Chowk, one truck bearing registration No.HP65-2951 coming from behind at high speed firstly hit an Aactiva, then their cycle and then another cycle. PCR took all the injured to the hospital where he is under treatment while his friend Kashim expired. During investigation, Sunny Verma and Anil

Kumar (present petitioner) were arrested and accidental truck was recovered.

3. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case as he has not committed any offence. He further submitted that co-accused Sunny Verma was driving the truck and petitioner was sleeping in the said truck, therefore, no offence under Section 107 read with Section 304 IPC is made out against the petitioner. He further submitted that petitioner is in custody since 14.09.2022; investigation is complete; challan has already been presented and charged have been framed. He further submitted that nothing is to be recovered from the petitioner. He further submitted that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel, while placing on record reply and custody certificate, has vehemently opposed the prayer of the petitioner for grant of regular bail by stating that in case petitioner is released on bail there is every likelihood that he may hamper the trial by influencing the witnesses. Therefore, he is not entitled grant of regular bail.

5. I have heard learned counsel for the parties and perused the record.

6. According to the reply filed by the U.T., Chandigarh, present petitioner is the actual driver of the truck who gave his truck to Sunny Verma to drive, who drove the truck at very high speed and

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caused massive accident and instigated Sunny Verma to flee off the spot to escape the liability of accident. In the said accident five persons were injured out of which two persons, namely, Krishan Nand Ram and Kasim succumbed to their injuries. After causing the accident petitioner along with driver fled from the spot and was arrested later on.

7. Keeping in view the gravity of offence that two precious lives have been snuffed out in the accident and in case the petitioner is released on bail he may try to influence the witnesses, petitioner is not entitled to the concession of regular bail.

8. Dismissed.

9. Nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case.

25.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No