

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22583-2023
DECIDED ON: 16th MAY, 2023

RAJU @ RAJU SINGH @ GANDHI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Navinder Jit Singh Dandiwal, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Tarun Sharma, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 188, dated 19.12.2022, under Section 304 IPC, registered at Police Station Nihal Singh Wala, District Moga.

2. Learned counsel for the petitioner has contended that ingredients of Section 304 IPC is not made out on bare perusal of FIR. He further contends that in fact it is a case of negligent driving and at the most offence under Section 304-A IPC is made out against the petitioner, as he did not hit the deceased with any such intention as alleged in the FIR. The petitioner is in custody since 28.12.2022.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate,

the petitioner has suffered incarceration of 4 months and 18 days as of now and is not involved in any other case of any nature whatsoever, which shows that he is not an habitual offender.

4. Learned counsel for the complainant has vehemently opposed the prayer made in the present petition on the ground that the petitioner along-with co-accused has intentionally struck the vehicle against Harpal Singh (since deceased) brother of the complainant and due to that he has received multiple injuries, which resulted into his death.

5. Without commenting upon the merits of the case and considering the custody period undergone by the petitioner added with the facts that custodial interrogation of the petitioner is not required and nothing is to be recovered from the petitioner, this Court is of the firm view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

6. Accordingly, the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. The petitioner is allowed in the afore-said terms.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

16th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

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