

Date of decision: 14.02.2023

...PETITIONER

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Chhinda Singh-petitioner is seeking regular bail in the case bearing
FIR No.57 dated 26.04.2022 under Sections 304/427 IPC registered at Police
Station City-I Abohar, District Fazilka.

Learned counsel for the petitioner contends that as per the allegations, the petitioner was driving the oil tanker and it struck with the motorcycle being driven by Surinder Kumar which resulted in his death and that of two children. The allegations indicate that the vehicle was being driven by the petitioner in a rash and negligent manner and at the most, the offence under Section 304-A IPC is made out which is bailable. The investigation of the case is complete, challan has been presented and trial is proceeding in the Court of Sessions.

Learned State counsel has opposed the bail application on the score that it is a case of extreme rashness and negligence and the offence under Section 304 IPC is made out.

On a query, learned State counsel submits that the petitioner was

arrested on 03.05.2022 i.e. after a period of about one week from the date of occurrence and there is nothing to indicate that the petitioner was under the influence of liquor or intoxication at the time of occurrence. The controversy as to whether the offence falls under Sections 304 or 304-A IPC will be a debatable and moot point during the course of trial. The petitioner is in custody for a period of 09 months and 13 days and the conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

14.02.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No