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

CRM-M-32680 OF 2022

DATE OF DECISION: 16.02.2023

Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jashandeep Singh, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, D.A.G., Punjab.

None for the complainant.

ARUN MONGA, J. (ORAL)

This is third foray of petitioner before this Court, seeking bail in criminal case bearing FIR No.25 dated 15.02.2020, registered under Section 302 read with Section 34 of IPC and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Sections 181, 207 of Motor Vehicles Act, 1988, at Police Station Longowal, District Sangrur, Punjab; both first bail petition bearing CRM-M-19203 of 2020 and the second bail petition bearing CRM-M-32148-2021 were dismissed vide orders dated 28.08.2020 & 31.05.2022, respectively.

2. Per FIR, petitioner is the Principal-owner of Simran Public School, Longowal. On 15.02.2020, a van bearing registration No. PB11AG-4244, managed and plied by school administration, was enroute to a village to drop the children. It caught fire on way. Four children out of twelve, died at the spot while some others struggled/struggling of the burn injuries. FIR

was registered. The petitioner, Principal-cum-Manager of school, was arrested and is stated to be in custody since 16.02.2020.

3. Learned counsel for petitioner submits that the offence under Section 302 IPC is not attracted as the vehicle caught fire accidentally. He refers to mechanical report (Annexure P-2) to contend that there was no gas kit installed in car, as was suspected originally. He submits petitioner had purchased the vehicle in question just a day before the fateful day i.e., on 14.02.2020, on the assurance of a mechanic that it is in good condition. He further submits that challan has already been presented and the charges have also been framed. However, the trial is held up by virtue of an order dated 12.10.2022 passed in collateral criminal proceedings arising out of same FIR being CRR No.497 of 2021, *sub judice* in this court, wherein charges are under challenge. Trial is likely to get delayed subject to the outcome of the said pending criminal proceedings before this Court.

3.1. Learned counsel for petitioner further contends that petitioner is a victim of frame-up by the prosecution just to satisfy the public outcry. Petitioner is neither the driver of the alleged Van nor even was present at the spot. There was no negligence on his part so as to be implicated in the FIR.

3.2. Learned counsel for petitioner further contends that being owner and Principal of the School petitioner has been named as accused. The alleged Maruti Van bought by the School was in good condition with all original parts fitted therein. This fact has already been proved from the mechanical report as attached with the challan.

4. Learned State counsel opposes bail *inter alia* contending that offence is heinous in nature and sentence-able with capital punishment.

5. I have heard the rival contentions of the respective learned counsels.

6. Petitioner is in custody in this case since 16.02.2020. Investigation is complete. Though all prosecution witnesses have been examined but conclusion of trial is still likely to take long time, whereas petitioner has already been languishing in jail for the past more than three years in preventive custody.

7. On a Court query, learned Deputy Advocate General submits that otherwise all the prosecution witnesses have been examined and to that extent, not only the investigation but entire evidence relied upon by the prosecution has already been produced.

8. Considering the overall scenario and without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

11. Disposed of accordingly. It is, however, made clear that this Court has not expressed any opinion on the merits of the case in favour of either parties.

FEBRUARY 16, 2023
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No