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

CRM-M No.39464 of 2022 (O&M)

Date of decision: 17.01.2023

Pritpal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Rai, Sr. Advocate
with Ms. Eknoor Kaur Sara, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. P.S. Ahluwalia, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.78 dated 30.03.2021, for offence punishable under Sections 279, 337, 338, 427, 308, 304 of the Indian Penal Code, 1860 (in short 'IPC') and 196 of the Motor Vehicles Act, 1988, registered at Police Station Tripuri, District Patiala.

Brief facts of the case are that the FIR was registered on the statement of one Harinder Singh that on 30.03.2021, on the traffic lights of Thapar University round-about, many farmers were sitting on a dharna and in the meantime, one Fortuner came on a high speed and ran over the persons, who were sitting over the dharna on the side of the round-about.

Learned senior counsel for the petitioner has also submitted that the petitioner, who is a known case of Epilepsy Seizures had in fact, suffered the Epilepsy attack, which resulted into the accident.

Learned senior counsel for the petitioner has further argued that as on today, the custody of the petitioner is of 01 year and 10 months and all the legal representatives of victims, who have died as well as the persons who were injured in the accident, have already filed MACT petitions and therefore, it will be a matter of trial whether the offence under Sections 304 or 304-A IPC are made out.

Learned senior counsel for the petitioner has further submitted that the petitioner, without prejudice to his right of defence, is ready to deposit Rs.1.00 lac each for disbursement to the LRs of 03 deceased persons and Rs.1.00 lac each to 04 injured persons for their treatment.

Learned senior counsel for the petitioner has also contended that it will also be a matter of trial whether the defence set up by the petitioner is available to him and the trial Court will decide as to whether it is a case of rash and negligent act or not.

Counsel for the State, assisted by counsel for the complainant and on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Counsel appearing for the complainant has also submitted that statement of one of victim/eye-witness has already been partly recorded and it is not disputed that the custody of the petitioner as on today is of 01 year, 09 months and 20 days and he is not involved in

any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 years, 09 months and 20 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and also in view of the fact that it will be a matter of trial whether the charges under Sections 304 or 304-A IPC are made out and also in view of the fact that the petitioner has volunteered to pay Rs.7.00 lacs to be paid to the LRs 03 victims, who have died as well as to 04 injured persons by way of bank draft, while furnishing bail/surety bonds and will deposit Rs.3.00 lacs with the Illaqa Magistrate, which may be disbursed to the LRs of the victims and the conclusion of the trial will take some time and lastly in view of judgment of the Hon'ble Supreme Court in **Satender Kumar Antil Vs. Central Bureau of Investigation and another, SLP (Crl.) No.5191 of 2021, decided on 11.07.2022**, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

It is worth noticing that while dismissing the first bail application on 02.12.2021, a direction was issued to the Sub-Divisional Magistrate-cum-Transport Officer to suspend the Driving Licence of the petitioner till the petitioner furnish the fresh medical fitness certificate from PGIMS, Chandigarh.

The petitioner is directed to deposit the amount of Rs.3.00 lacs along with 04 demand drafts, at the time of furnishing bail/surety bonds, before the Illaqa Magistrate/Duty Magistrate/trial Court, and the

trial Court will further disbursed Rs.1.00 lac each to the LR's of 03 victims, who have died and to another 04 injured persons.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

17.01.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No