

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

**CRM-M-47194-2022 (O&M)
DECIDED ON: 27.03.2023**

SOMBIR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.89, dated 24.02.2022, under Sections 302, 34 of IPC, 186 (Section 304 of IPC, 1860 added later on) registered at Police Station Beri, District Jhajjar.

Learned counsel for the petitioner contends that no role has been attributed to the petitioner for making out an offence qua him under Sections 302 & 34 of IPC, while adding on Section 304 of IPC. He further contends that the petitioner was working on ad hoc basis as driver of the Government Ambulance, who has been attributed the role of negligency as per the instructions of Dr. Paramjit (Medical Officer) from taking the petitioner to PGIMS, Rohtak, which resulted into half an hour delay in transporting the deceased for treatment as was referred by referral hospital.

Learned counsel for the petitioner has further submitted that the mother of the petitioner is suffering from cancer and father of the petitioner is

75% disabled. He further submitted that co-accused of the petitioner has been granted anticipatory bail vide order dated 18.01.2023 passed by this Court in CRM-M-41189-2022.

Learned State counsel does not controvert the above-said fact and produce the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 7 months and 12 days. Custody certificate also shows that the petitioner is not involved in any other case.

In the light of the above submissions, considering the factual aspect and the role of the petitioner that he was working as a driver of Government Ambulance on ad-hoc basis and the patient as per the statement and the stand taken by Dr. Paramjit himself shows that the deceased was brought dead in the hospital, no offence seems to have been made for Section 302 read with Section 34 of IPC prima facie at this stage, the petition deserves to be allowed. Hence, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

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

(SANDEEP MOUDGIL)
JUDGE

27.03.2023

Meenu

Whether speaking/reasoned Yes/No
Whether reportable Yes/No