

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 54272-2022 (O&M)
Date of Decision: 11.01.2023

Manoj Kumar

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 212 dated 29.08.2021, under Section 302 of IPC registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner is in custody since 09.09.2021. He submits that the petitioner is innocent and has been falsely implicated in the present case on the basis of false, baseless concocted version at the instance of the complainant. It is stated that the petitioner along with his wife and son was travelling from his in-laws house towards his house and on his way back a blue buck (Nilgai) came in front of his car and to save themselves and avoid the accident he applied the brakes, due to which the car got imbalanced, skidded on the road and as a result fell into the canal. The fact that he applied the brakes is also

evident of the Crime Scene Visit Report from the FSL, Haryana i.e. annexed as Annexure P-3, wherein it is clearly mentioned that there are tyre marks of the car of approximate length of 65 inch. It is stated that the petitioner was hospitalized and referred to Maharaja Aggarsain Institute of Medical Research and Education, Agroha on 29.08.2021. Copy of Medical receipt is attached herewith as Annexure P-5. It is further stated that the deceased-Suman and Beer were medico-legally examined on 29.08.2021 and 30.08.2021, in which the cause of death is stated to be given after receiving the FSL report, Madhuban and RFSL, Hisar and there was no injury present on the body of the either of the deceased. Copies of post-mortem reports are as Annexure P/5 and P/6 and the probable cause in the present case is of drowning and there was no foul play whatsoever.

It is averred that the car involved in the alleged incident was examined by mechanic, whose report was also part of the challan, in which it has been reported that the car is damaged due to falling in the water. Mechanic's report dated 24.9.2001 is attached as Annexure P/7.

It is further averred that the prosecution examined private witnesses namely Dharampal (complainant) as PW1, Dilbagh as PW2 on 07.9.2022 and Naresh as PW4 on 12.10.2022. All the private witnesses have not supported the case of prosecution. Copies of statements of aforesaid PWs attached as Annexures P/8 to P/10.

It is contended that the statement of the material witnesses have been recorded and they have turned hostile and the challan stands presented and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-

State, on instructions from ASI Ranbir Singh, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and he also fled away from the hospital but does not dispute the fact that the investigation is complete and the material witnesses turned hostile.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 09.09.2021.

It is not a case made out by the respondent-State that the concession of bail if granted to the petitioner would hamper the course of free and fair trial. Further, the challan stands presented and the material witnesses have turned hostile and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bar.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

11.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No