

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-3008-2024 (O&M)
Date of Decision:-25.1.2024

Vikas @ Vikash @ Bhanu ... Petitioner
Versus
State of U.T. Chandigarh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ran Vijay Singh, Advocate for the petitioner.
Mr. Ankur Bali, Addl.P.P., U.T., Chandigarh,
assisted by ASI Avtar Singh.

FIR No.	Dated	Police Station	Section/s
174	23.9.2021	Sector 36, District Chandigarh (UT)	332, 353, 307 IPC (subsequently charged under Sections 333, 353, 307, 417, 419, 177 of IPC

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
- The FIR was lodged at the instance of Sub Inspector Vijay Kumar, wherein it is alleged that on 26.9.2021, when he was present alongwith other police officials at a ‘Naka’ for the purpose of checking of vehicles, then one Alto Car was signaled to stop. When the said car came to a halt, the person sitting on the conductor side alighted from the said car while holding his mobile phone near his ear. The person sitting on the driver seat disclosed his name as

Akshay Kumar. When the complainant asked for production of the documents of the vehicle, said Akshay Kumar got scared and sped away his car at a high speed hitting Constable Deepak Kumar, who was standing nearby, as a result of which, Constable Deepak Kumar fell on the bonnet of the car. Although, Deepak Kumar held on to the bonnet but ultimately fell down and sustained injuries. It is further the case of prosecution that subsequently it transpired that the driver of the vehicle, who had disclosed his name as Akshay Kumar, was infact named as Vikas Bhanu and that it is the co-passenger sitting on the conductor side, who was Akshay Kumar.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that even as per the FIR, it is Akshay Kumar, who was driving the vehicle and had hit against the Constable Deepak Kumar, but subsequently in order to shield said Akshay Kumar, name of the petitioner has been substituted as driver of the vehicle in question.
4. Opposing the petition, learned State counsel submitted that it was subsequently when the petitioner came to be arrested alongwith the car in question and his identity was verified that it transpired that his true name was Vikas. Learned State counsel submitted that Akshay Kumar happens to be owner of the vehicle in question. It has been informed that as on date 9 PWs out of the cited 19 PWs have already been examined and that the petitioner otherwise has been behind bars since the last about 2 years, 3 months and 20 days and happens to be involved in one more case for offence under Section 302 IPC.
5. This Court has considered the rival submissions addressed before this Court.

6. Though the identity of the petitioner would be a matter of trial, but in any case, this Court finds that the petitioner has been behind bars for a substantial period of more than 2 years, 3 months and 20 days. Conclusion of trial is likely to consume time inasmuch as only 9 PWs out of the cited 19 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.1.2024
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No