

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-6248-2024
Decided on : April 18, 2024

ANIL KUMAR Petitioner
Versus

STATE OF U.T. CHANDIGARH Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Bishan Dass Rana, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T., Chandigarh.

NAMIT KUMAR, J. (Oral)

1. By way of filing this 2nd petition under Section 439 of Cr.P.C. , the petitioner has approached this Court seeking grant of regular bail in case F.I.R. No.167 dated 13.09.2022, under Sections 279, 337 and 304-A of IPC (Sections 107 and 304 IPC added later on), registered at Police Station Industrial Area, Chandigarh.
2. The facts leading to filing of this petition are that an FIR in the present case was registered on the complaint of Rohit alleging that on 12.09.2022, he along with his friend Kashim was going to their home from Industrial Area on the bicycle of Kashim. At about 10.20 P.M., when they reached near Poultry Farm Chowk, one truck bearing registration No.HP-65-2951, which was coming from backside at high speed, firstly hit an Activa and then their bicycle and then another bicycle. The PCR took all the injured to the hospital, where the complainant remained under treatment, however, his friend - Kashim could not survive. After the FIR was registered, during investigation, Sunny Verma and Anil Kumar (present petitioner) were arrested and the vehicle of accident i.e. the truck was recovered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case, as he has not committed any offence. He further submits that in fact the co-accused namely Sunny Verma was driving the truck whereas he was sleeping in the said truck, therefore, no offence under Section 107 read with Section 304 IPC is made out against the petitioner. He further submits that the said co-accused namely Sunny Verma has already been granted regular bail by a Co-ordinate Bench of this Court vide order dated 19.01.2024 passed in CRM-M-41471-2023. He further submits that petitioner is in custody since 16.09.2022 and not involved in any other case. He further submits that investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 29 prosecution witnesses only 01 witness has been examined and the case is now fixed before the trial Court for 24.04.2024. He further submits that trial may take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner further behind bars.

4. *Per contra*, learned State counsel, while filing the status report dated 16.04.2024 alongwith custody certificate, which are taken on record, opposes the prayer for grant of regular bail to the petitioner. However, he could not dispute the facts that the petitioner is in custody since 16.09.2022; co-accused namely Sunny Verma has already been granted regular bail; investigation is complete; *Challan* has been presented; charges have been framed and out of total 29 prosecution witnesses only 01 witness has been examined so far.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is more than 01 year and 07 months; co-accused namely Sunny Verma has already been granted concession of regular bail; investigation is complete; *Challan* has been presented;

charges have been framed and out of total 29 prosecution witnesses only 01 witness has been examined; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed off accordingly.

April 18, 2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*