

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7915-2024 (O&M)

Date of Decision: 21.03.2024

Davinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Akashdeep Singh, Advocate, for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
36	31.01.2023	Sohana, District Mohali	279, 325, 323 & 304 IPC (charges framed under Sections 323, 325 & 304 Part II IPC)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Baljit Singh, wherein it is stated that he lived in a joint family with his uncles and brothers, but the mess is separate. It is stated that on 30.01.2023 at about 11:00 AM, his uncle's son Devinder Singh tried to take out his vehicle bearing registration No.PB65-AS-0071 'Range Rover' from the house so as to go out. However, complainant's brother and aunt, namely, Ranjit Singh and Manjit Kaur as well as one of the complainant's uncle, namely, Jarnail Singh tried to stop Devinder Singh. The complainant's aunt Manjit Kaur

- shut the door of the main gate and stood there. However, Devinder Singh brought his vehicle near the door and struck the same against Ranjit Singh, Manjit Kaur and Jarnail Singh in order to intimidate them as a result of which all three of them sustained injuries. It has been alleged that although all three injured were taken to hospital, but Ranjit Singh could not survive and succumbed to his injuries.
3. Learned counsel for the petitioner submitted that it is a case where there was no intention on the part of the petitioner to cause death and that even the wife of the deceased, in her petition filed for seeking compensation, has specifically averred that the death had taken place on account of negligence. Learned counsel further submitted that even one of the injured, namely, Jarnail Singh has turned hostile and did not support the case of prosecution, when he was examined during the course of trial. Learned counsel in this regard has drawn the attention of this Court to his statement annexed as Annexure P-5.
4. Opposing the petition, learned State counsel submitted that since the petitioner is specifically named in the FIR and there are specific allegations that he had hit his vehicle against deceased Ranjit Singh and other injured, no case for grant of bail is made out. Learned State counsel has, however, not disputed the fact that one of the eye-witness/injured Jarnail Singh has since resiled. It has been informed that the petitioner as on date has been behind bars since the last about 1 year and that he happens to be involved in 1 more case registered under Section 307 IPC.

5. This Court has considered rival submissions.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for the last about 1 year and the fact that one of the material witnesses, namely, Jarnail Singh, who himself was injured, has not supported the case of prosecution, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The 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.

21.03.2024

Vimal

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**