

226

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

**CRM M-7960-2023 (O&M)**

**Date of Decision: 06.02.2024**

Kunal @ Kunal Budhiraja

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Diwan S. Adlakha, Advocate,  
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.632 dated 06.09.2022 registered under Section 302 IPC (Sections 109, 114, 186, 216, 307, 332 and 353 read with Section 34 IPC added later on), Police Station, Kundli, District Sonipat.

2. FIR in question was registered on the statement of complainant Deepak with the allegations that his father Jagbir Singh was working as driver in Haryana Roadways, Delhi Depot. On 06.09.2022, his father along with conductor Bijender were going to Delhi in Bus No. HR-69-D-7950 to attend his duty. One Mahindra jeep (Thar) bearing registration No. DL-1664 (black colour), driven in a rash and negligent manner, came from Bahalgarh side and the aforesaid bus was made to stop on G.T. road, Sonapat near KFC, Police Station, Kundli. The jeep stopped behind the bus. Jagbir-driver as well as Fateh-conductor of the bus along with one Parmod and some passengers came down from the bus. The driver of said jeep, with intention to kill, drove the vehicle

upon them and ran away. Jagbir died on the spot; Parmod, Fateh and two others suffered grievous injuries.

3. This Court, on 21.07.2023, granted interim bail to the petitioner in the following order:-

*“Contends that petitioner is in custody since 13.09.2022 and charges in this case were framed on 09.01.2023. Also contends that on 20.01.2023, 10.02.2023, 31.03.2023 and 17.05.2023 no PW was present; thus, the trial is being delayed unnecessarily. Also contends that petitioner has been nominated as an accused on the basis of disclosure statement of co-accused Monika Grover.*

*Learned State counsel seeks time to have instructions to ascertain the above factual position.*

*Posted for 11.08.2023.*

*In the meantime, petitioner is ordered to be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.”*

4. Learned counsel submits that petitioner was granted interim bail by this Court on 21.07.2023 and since then, he is regularly appearing before the learned trial Court. Also contends that there is no misuse of concession by the petitioner and moreover, three material prosecution witnesses have turned hostile and no one is supporting the prosecution case.

5. Learned State counsel, upon instructions, has fairly acknowledged the above factual position. However, he submits that there are other injured who are yet to be examined by the prosecution.

6. Heard learned counsel for both the sides and perused the paper book.

7. Concededly, three material prosecution witnesses have turned hostile and none of them is supporting the prosecution case. Petitioner has already been granted interim bail by this Court and he is regularly appearing

before the Court below. There is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case his interim bail is made absolute. Thus sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 21.07.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order. Also clarified that non-appearance of petitioner before the learned trial Court shall be construed as misuse of the concession.

12. Pending criminal misc. application(s), if any, shall also stand disposed off.

06.02.2024  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

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