

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13335-2024
Date of decision: 05.04.2024

Jodha Singh.....Petitioner.

Versus

State of Punjab....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Nitin Meel, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.
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SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 Cr.P.C, the petitioner seek anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
16	05.02.2024	279, 304, 337, 338 IPC and 177 of Motor Vehicle Act	Subhanpur, District Kapurthala

2. Arguments have been heard.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that at the most from the allegations levelled in the FIR offence under Section 304 A IPC is made out and the police

has wrongly registered a case under Section 304 IPC. He contends that there is delay in lodging of the FIR which creates doubt regarding the genuineness of the police version and he prays for grant of anticipatory bail.

4. *Per contra*, learned State counsel, while referring to the reply filed by the State, has opposed the bail petition by submitting that the petitioner while driving the vehicle at a high speed and using mobile phone had hit the motorcycle driven by Roop Singh, as a result whereof, his wife, namely Rajwinder Kaur and minor son, namely Karanvir Singh, aged about 05 years, got multiple injuries. The petitioner is also alleged to have then reversed his vehicle and run over the injured- Rajwinder Kaur and her minor child-Karanvir Singh and then fled away from the spot.

5. It is further submitted by learned State Counsel that the petitioner is not entitled to grant of anticipatory bail considering the act and conduct of the petitioner and gravity of the offence. He has submitted that the police has rightly registered the FIR under Section 304 IPC. He has further submitted that as Roop Singh was in mental shock due to the death of his son aged about 05 years in the said incidence, the delay in lodging of FIR has occurred. Hence, he prayed for dismissal of the anticipatory bail application.

6. After considering the respective submissions and perusing the record, it transpires that present FIR had been registered on the

statement of one Jagjit Singh Aujla, stating that on the fateful day, he was going on his car and ahead of him were going one Roop Singh on motor cycle with his wife, namely Rajwinder Kaur and minor son, namely Karanvir Singh, aged about 05 years, when the present petitioner driving his Bolero Camper vehicle, while having talk on his mobile phone, at a high speed rashly struck into motorcycle, as a result whereof the riders thereof fell down and then the petitioner reversed the Bolero Camper rashly and again ran over Rajwinder Kaur and Karanvir Singh, who were lying on the ground and then ran away from the spot. The complainant shifted the injured to the hospital in Subhanpur where Rajwinder Kaur was admitted for treatment while the minor son Karanvir Singh was referred to Jalandhar, where he succumbed to the injuries. There is specific allegation in the FIR that the petitioner was driving the vehicle at a high speed while talking on mobile phone and in the process hit against the motor cycle driven by Roop Singh and as a result whereof the riders had fallen on the ground. Not only this, the petitioner is alleged to have reversed the vehicle and again ran over the injured namely Rajwinder Kaur and Karanvir Singh lying on the ground and instead of taking the injured to the hospital, he fled away from the spot. Later on, Karanvir Singh, who was aged about 05 years, succumbed to the injuries while Rajwinder Kaur received multiple injuries in the occurrence.

7. Considering the aforesaid facts and circumstances and also the act and conduct of the petitioner, does not bring him in the exceptional circumstances so as to be granted concession of anticipatory bail. Hence, no ground is made out to grant concession of anticipatory bail to the petitioner and the petition is accordingly dismissed.

8. It is made clear that anything contained here-in-above shall not be construed to be an expression of opinion on the merits of the case.

05.04.2024preeti

(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |