

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-13660-2024 (O&M)
Date of Decision:- 09.05.2024

INDERJOT SINGH AND ANR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. J.S. Chahal, Advocate for the petitioners.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in the following case:-

FIR No.	Dated	Sections	Police Station
44	08.02.2024	279, 186, 307, 427 and 34 IPC; (304-A IPC added later on)	Dera Bassi, District SAS Nagar (Mohali)

2. It is, *inter alia*, contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in the case. He submits that the police has wrongly registered the FIR under Section 307 IPC and from the allegations levelled against the petitioners, at the most, offence under Section 304-A IPC is made out. He submits that the petitioners are in custody since 09.02.2024 and the conclusion of trial will



take sufficient long time, hence prayed for grant of regular bail to the petitioners.

3. Learned State counsel while referring to the short reply submitted by the State has contended that petitioner No.1 while driving the Scorpio car bearing No.PB-65AU-8145 in a rash and negligent manner and on instigation of petitioner No.2, sitting on the conductor seat, tried to run over the police party instead of stopping the car at police *nakka* with intent to kill them. When their car got struck into the barricade, they reversed the vehicle at a fast speed and struck into the vehicle of the police party and also hitting another private vehicle bearing No.PB-65AW-2589 and also ran over one passerby namely Babita, who later succumbed to the injuries. It is submitted that the petitioners are not entitled to the concession of bail taking into consideration the nature and gravity of offence.

4. Heard.

5. After considering the rival submissions and perusing the record, it transpires that as per the case of the prosecution, a police *nakka* was laid on 08.02.2024 headed by ASI Gaurav Sharma. At about 07:45 PM one Scorpio car driven by petitioner No.1 was signalled to stop, but instead of stopping the car, allegedly on the instigation of petitioner No.2 sitting on the conductor seat, petitioner No.1 run over the police party with intent to kill them. The police party saved their lives by swiftly shifting to one side and the vehicle of the petitioners got struck into the barricade. The petitioners reversed their vehicle at a fast speed, hitting the police vehicle and also another private vehicle bearing No.PB-65AW-2589, besides running over a



passerby namely Babita, who later succumbed to the injuries in the hospital, and thereafter they ran away from the spot. It is the version of the prosecution that petitioner No.2 was instigating petitioner No.1.

6. So far as the role of petitioner No.2 is concerned, the allegation against him are that he had instigated petitioner No.1, driving the vehicle, to run over the police party. Admittedly, he was not driving the vehicle nor any other specific overt act is attributed to him. He is in custody since 09.02.2024 and challan having been presented, he is not required for further investigation in the matter. The conclusion of trial to ascertain his criminal liability, if any, will take sufficient long time and no purpose would be served by detaining him in custody any longer.

7. Accordingly, the present petition is allowed qua petitioner No.2 and he is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. So far as role of petitioner No.1 is concerned, he was allegedly driving the Scorpio car rashly and negligently at the time of occurrence and had tried to run over the police party with intent to kill them and hitting the police vehicle, one private vehicle besides running over a passerby, who sustained multiple injuries and later succumbed to the injuries. The nature and gravity of offence committed by petitioner No.1 coupled with his act



and conduct do not entitle him for grant of regular bail at this stage. As a consequence, the present petition qua petitioner No.1 is dismissed.

- 9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 10. Disposed of.
- 11. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

09.05.2024
S.Sharma(syr)

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