



CRM-M-29256-2024

-1-

**218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-29256-2024

Date of Decision: 12.11.2024

Gursewak Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Inderjit Singh Chawla, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.10 dated 12.01.2024, under Sections 307, 279, 353, 186 IPC (Section 304 IPC added vide GDR No.19 dated 11.02.2024 and Section 302 IPC added and Sections 307 and 304 IPC deleted vide GDR No.25 dated 12.03.2024), registered at Police Station Sadar Shahkot, District Jalandhar.

2. As per the facts of the case, the FIR in this case was registered on the statement of ASI Surjit Singh, wherein, it was alleged that on 10.01.2024, he alongwith Inspector Kulwinder Singh and other Police officials was present at check-post for checking the vehicles arriving from Dharamkot side. At about 11:20 a.m., one Zen car came from Dharamkot side, which was signalled to be stopped. However, the driver of the car instead of stopping the car increased its speed and drove towards him. The complainant tried to save himself, but the driver of the car rammed it directly to him. The complainant fell on the car, but the driver of the car turned it suddenly and he fell on the footpath. As a result, the complainant



CRM-M-29256-2024

-2-

suffered multiple fractures on his body and his thigh was broken. As he was seriously injured, he was rushed to the Dang Hospital, Jalandhar, from where, he was referred to the DMC, Ludhiana. Initially the FIR was registered for the offence under Section 307, 279, 353, 186 IPC, however, the complainant lateron succumbed to the injuries and thus, offence under Section 302 IPC was added. The investigation commenced and during the investigation, the driver of the car was ascertained to be the petitioner. He was arrested on 14.01.2024. He approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of bail. However, the same was declined vide order dated 22.03.2024. Hence, petitioner is before this Court praying for grant of bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He submits that initially the FIR was registered under Section 307 IPC, however, lateron offence under Section 302 IPC was added. He has submitted that from the facts and circumstances of the present case, it is apparent that there was no intention on the part of the petitioner and thus, no offence under Section 302 IPC is made out against the petitioner. It is submitted that the investigation is complete and the charges are framed and as the petitioner has no criminal antecedents, he deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner has intentionally rammed his vehicle into the police party, which was carrying on its duty of checking the vehicles. He has submitted that the petitioner was given signal to be stopped, however, he intentionally, ran his car over ASI Surjit Singh, who lateron succumbed to the injuries in the hospital. It is



CRM-M-29256-2024

-3-

submitted that intention on the part of the petitioner is evident. He further submits that the FIR has been registered on the statement made by the deceased and thus, the same amounts to a dying declaration. He submits that though the investigation is complete and charges are framed, however, out of total 26 prosecution witnesses, none has been examined so far. He submits that granting bail to the petitioner at this stage, would prejudice the trial.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner has been alleged to have been rammed his vehicle into the police party, wherein, ASI Surjit Singh suffered serious injuries and lateron he succumbed to the injuries in the hospital. The FIR has been lodged on the statement of the deceased himself. The petitioner was arrested on 14.01.2024. As submitted by learned State counsel before this Court, out of total 26 prosecution witnesses, one has been examined as on date.

7. Thus, in view of the facts and circumstances of the present case, this Court is of the opinion that granting bail to the petitioner at this stage would prejudice the trial. Thus, finding no merit in the present petition, the same is hereby dismissed.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

12.11.2024
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No