



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

279+281

CRM-46776-2024 In/&
CRM-M-30604-2024 (O&M)
Date of Decision:- 29.11.2024

HARPAL @ HARPAL SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Harshit Nain, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

CRM-46776-2024

At the outset, learned counsel for the petitioner does not press
the instant application at this stage.

Ordered accordingly.

CRM-M-30604-2024

The instant petition has been preferred by the petitioner under
Section 439 CrPC for grant of regular bail to the petitioner in the following
case :-

FIR No.	Dated	Sections	Police Station
850	07.10.2023	279, 304-A IPC; (later on Section 304 IPC added and 279 and 304-A IPC deleted)	Barwala, District Hisar



2. 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 submits that originally, the FIR was registered for offence under Sections 279 and 304-A IPC, however, later on, offence under Section 304 IPC was added and offence under Sections 279 and 304-A IPC were deleted on the basis of alleged statement of witnesses Jagroop and Sonu. He contends that the petitioner himself sustained injuries in the said roadside accident, which met with an accident with the motorcycle of the deceased, resulting in multiple injuries to petitioner as well as deceased-Amit, who ultimately succumbed to the injuries. He refers to the medical report on record to say that it was a roadside accident and even this fact was further substantiated by the crime scene visit report given by the FSL, Haryana dated 19.11.2023 (Annexure P-6). He contends that even the medical opinion annexed with the status report as Annexure R-2 also mentions that the injuries found during the post-mortem report of the deceased can be caused by a roadside accident. He further submits that the present case arising out of a roadside accident has been tried to be converted into a heinous crime on the basis of 2 created witnesses after one and a half month of the FIR, without verifying their genuineness as to how they were present near the place of occurrence at 03:00 AM in night and how could they see the petitioner allegedly beating Amit with stick in pitch dark night. He submits that the petitioner is not involved in any other case and is in custody since 05.01.2024. Challan has already been presented in Court, wherein the prosecution has cited 22



witnesses but none has been examined till date. Hence, prayed for grant of bail.

3. *Per contra*, learned State counsel while referring to the status report submitted by the State has not disputed the factum that the FIR was originally registered under Sections 279 and 304-A IPC, but later on offence under Section 304 IPC was added by deleting offence under Sections 279 and 304-A IPC. He submits that as per the witnesses, the petitioner along with co-accused Prince had given beatings to the deceased with stick and as such offence under Section 304 IPC was added and considering the gravity of offence, the petitioner does not deserve the concession of bail.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that originally the case was registered under Sections 279 and 304-A IPC by the Police against the petitioner and co-accused Prince, who was the pillion rider on the motorcycle ridden by the petitioner, which met with an accident with the motorcycle of the deceased Amit at the relevant time. Further, about one and a half months of the FIR, on the basis of statements of witnesses Jagroop and Sonu, the offence under Section 304 IPC was added and Sections 279 and 304-A IPC were deleted. As per the medical information (Annexure R-2) and also report of crime scene report (Annexure P-6) given by FSL Haryana indicate that the death of Amit was the result of roadside accident. It is also not disputed that the petitioner himself sustained injuries in the said accident. Admittedly, the petitioner is not having any criminal antecedents and is in custody since 05.01.2024. The



prosecution has cited 22 witnesses but till date none has been examined. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/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.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

29.11.2024
S.Sharma(syr)

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