

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-41471-2023

Date of decision: 19.01.2024

Sunny Verma

.....Petitioner

Versus

U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav, Advocate for
Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Deepinder Brar, Addl. P.P., U.T. Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.167 dated 13.09.2022 under Sections 279, 337, 304-A of the IPC (Sections 107 and 304 of the IPC added lateron) registered at Police Station Industrial Area, Chandigarh District U.T. Chandigarh.

2. Status report by way of affidavit of Palak Goel, Deputy Superintendent of Police, East Division, Chandigarh, along with custody certificate has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner inter alia contends that the petitioner was arrested on 16.09.2022 in a case of accident, however, without there being any material to invite the mischief of Section 304 of the IPC the said offence had been erroneously added. It

has been further submitted that after the challan was presented and charges framed, only 02 prosecution witnesses including the complainant, who too, allegedly sustained injuries in the accident in question had been examined and hence in the facts and circumstances since 27 prosecution witnesses still remain to be examined, his further incarceration would serve no useful purpose.

4. Per contra, learned Additional Public Prosecutor while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the material witness in the case in hand i.e. the complainant who too had received injuries in the accident as well as one other witness had since been examined, however, cross-examination of the complainant is fixed for 23.01.2024.

5. On a pointed query put to the learned Additional Public Prosecutor, he on instructions, has informed the Court that the petitioner is not involved in any other criminal case.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has been in custody since 16.09.2022 for allegedly driving his truck in a rash and negligent manner while being under the influence of alcohol; on account of his rash and negligent driving he first hit the scooter of the deceased and thereafter the complainant, who was on his bicycle. Since the sole material witness stands examined and 23 prosecution witnesses still remain to be examined, his further incarceration would not serve any useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No