



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

249

CRM-M-45475-2024

Date of decision: 23.10.2024

Virenderpal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vinod Polist, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.52 dated 10.04.2024 under Sections 304(II) of the IPC registered at Police Station Bond Kalan, District Charkhi Dadri.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 12.04.2024 for allegedly colliding his truck with a bus carrying some passengers as a result of which three persons died on the spot and some others received injuries in the accident in question. It has been asserted by learned counsel that it was a single road and even though totally false and exaggerated allegations have been levelled in the FIR in question, however, assuming for the sake of arguments, though not conceded, that the accident had indeed been caused, at best it would invite the mischief of an offence under Section 304A of the IPC as admittedly the bus and the truck which the petitioner was driving, collided from their respective right sides.

Learned counsel has still further argued that since challan stands



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presented and even charges framed, further incarceration of the petitioner would serve no useful purpose as none of the 39 witnesses cited by the prosecution have been examined till date and the next date fixed before the learned Trial Court is 07.11.2024.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has reiterated the allegations levelled in the FIR in question which stands reproduced hereinunder:-

“To, Police Post In-charge, Achinatal District Charkhi Dadri; Sir, I request that I am Pradeep son of Shubhram resident of Khatiwas District Jhajjar and I work as a driver. I am a driver on Shri Shyam Coach Bus No. HR-63E-6440 which runs from Jhajjar to Dadri. The owner of the bus is Poonam wife of Jai Singh resident Naugaon District Jhajjar. Today on 10.04.2024 at 1:54 PM I left for Jhajjar from Dadri Bus Stand after picking up passengers. At around 02:30 PM when I reached near Shri Shyam Hotel after dropping passengers from Achina Tal Bus Stand, a truck loaded with bricks came from Jhajjar side and intentionally hit the passengers on the driver side of my bus directly due to which many passengers got injured in which a woman and a man died on the spot. On finding out their names and addresses, the name of the woman was Rekha wife of Munshi resident Dakhaura and the other deceased person whose name was Rameshwar son of Hazarilal resident of Kathawari District Sitapur, Uttar Pradesh. Other passengers sitting in the bus were also seriously injured. After this I called on dial 112 and the police arrived on the spot, and took the deceased and all the injured persons to GH Dadri in an ambulance where the doctor started treating the injured. That the driver of Truck no. RJ-32GC-2531 intentionally hit the passengers sitting in the bus with his truck with the intention of kill. The truck driver left his truck a little ahead and fled from the spot. I can identify the truck driver if he comes before me. Strictest action be taken against the driver of truck number RJ-32GC-2531. SD- PARDEEP Applicant Pradeep son of Shubhram resident Khatiwas District Jhajjar Mo. 8685087240.....”



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4. Learned State counsel has submitted on instructions that in the accident in question, three persons lost their life while few other passengers, who were travelling in the ill-fated bus, sustained injuries; the petitioner was driving the offending vehicle i.e. the truck and drove straight into the ill-fated bus in a rash and negligent manner. Learned State counsel, however, on instructions has not disputed the stage of trial as well as the custody period of the petitioner.

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

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as the trial would take considerable time to conclude. The petitioner, as not disputed by learned State counsel, is not involved in any other criminal case.

7. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

23.10.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No