

226(3)

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

CRM M-49672-2023 (O&M)

Date of Decision: 06.02.2024

Pranjal Khurana

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Gupta, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 Cr.P.C seeking bail pending trial in FIR No.632 dated 06.09.2022 registered under Section 302 IPC (Sections 109, 114, 186, 216, 307, 332 and 353 read with Section 34 IPC added later on), Police Station, Kundli, District Sonipat.

2. FIR in question was registered on the statement of complainant Deepak with the allegations that his father Jagbir Singh was working as driver in Haryana Roadways, Delhi Depot. On 06.09.2022, his father along with conductor Bijender were going to Delhi in Bus No. HR-69-D-7950 to attend his duty. One Mahindra jeep (Thar) bearing registration No. DL-1664 (black colour), driven in a rash and negligent manner, came from Bahalgarh side and the aforesaid bus was made to stop on G.T. road, Sonapat near KFC, Police Station, Kundli. The jeep stopped behind the bus. Jagbir-driver as well as Fateh-conductor of the bus along with one Parmod and some passengers came down from the bus. The driver of said jeep, with intention to kill, drove the vehicle

upon them and ran away. Jagbir died on the spot; Parmod, Fateh and two others suffered grievous injuries.

3. Learned counsel contends that petitioner is in custody since 13.09.2022 and uptill now, three main prosecution witnesses have been examined, but none of them is supporting the case. Apart that, two co-accused, namely, Kunal @ Kunal Budhiraja & Monika Grover have been granted the concession of bail pending trial by this Court vide order(s) of even date (06.02.2024).

4. Learned State counsel, upon instructions, is not able to controvert the aforesaid factual position, but opposed the prayer of the petitioner.

5. Heard learned counsel for both the sides and perused the paper book.

6. Concededly, co-accused Kunal @ Kunal Budhiraja & Monika Grover with similar allegations have been granted the concession of bail pending trial by this Court vide order of even date (06.02.2024). None of the three material prosecution witnesses is supporting the case. Petitioner is stated to be in custody since 13.09.2022. There is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in any manner, in case he is released on bail. Thus, Keeping the petitioner in custody any further would not serve any purpose.

7. Consequently, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

9. The above observations may not be construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order. Also clarified that non-appearance of petitioner before the learned trial Court shall be construed as misuse of the concession.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

06.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No