

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48697-2024 (O&M)

Date of Decision: 27.09.2024

Sukhdeepak Singh Chhina @ Sukhdeep Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Naveen Bawa, Advocate for the petitioner

Mr. Jaspal Singh Guru, AAG Punjab

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail to the petitioners in FIR No.92 dated 24.05.2024 for offences under Sections 279/337/338/427 IPC (Section 307 IPC added later on) registered at Police Station Ajnala, District Amritsar (Annexure P1).

Facts

(2). Facts as culminating in the FIR is reproduced as under:-

“Statement of Jaswinder Singh son of Joginder Singh resident of Josh Police Station Ajnala, age approximately 43 years, mobile no. 76965-35306, that I am the resident of the above siad address and I am truck driver in Saudi Arab and from last one year, I have come to my village Josh on vacations. I am married. I have one son namely Mantaj Singh aged about 9 years. On dated 20.05.2024, I on the motorcycle make Honda belonging to my uncle Barpur Singh went to Adda Josh at the shop of doctor Amrinder Singh son of Amrik Singh resident of Josh in order to take the medicine and I was just parking my motorcycle then time would be approximately 7:15 PM. Then one car make verna bearing registration no. PB 10 HG 2734 white color came at high speed in zigzag manner and hit on the right side on my motorcycle in

straight matter by the driver of the car and due to that I fell down alongwith motorcycle then the car driver reversed his car and again car was hit to me and due to that serious injury was caused on my right leg near the knee and my motorcycle was also damaged. I was bleeding profusely and I was lying down while there was bleeding profusely then the driver of the car came out from the car and at that time the lights were glowing outside the medical store and the persons gathered at the spot and the name of the car driver was known as Sukhdeep Singh son of Kaptan Singh resident of Sheena Vichla Quila from the persons gathered on the spot. The car driver fled away from the spot after seeing me in injured condition by leaving his car. Thereafter, my father Joginder Singh came to know and got admitted me in Amandeep Hospital by arranging the vehicle. Where during the treatment Dr. Sahib amputated my right leg due to receiving the serious injury on my right leg. Where I am under the treatment, the above said Car driver namely Sukhdeep Singh has handicapped from my right leg by hitting his car two times in speed manner and have also damaged the motorcycle. Action may be taken under the appropriate sections against above said Sukhdeep Singh and justice may be delivered to me. Statement is got recorded, heard, it is correct. Sd/-Jaswinder Singh.”

Petitioner's submission

(3). Learned counsel for the petitioner submits that as per the allegation in the FIR, no offence under Section 307 IPC is made out since it was only an accident where the car of the petitioner went out of control due to which it hit and seriously injured the complainant. He submits that there was no intention of the petitioner nor is there any previous enmity with the complainant. He submits that the complainant was on the wrong side of the road he himself turned his motorcycle all of a sudden without giving any signal. It is averred that there was no fault on the part of the petitioner while driving the car as the motive to add Section 307 IPC is only to make the offence more serious.

Stand of the State/complainant

(4). Learned State counsel on the other hand opposed the prayer for bail on the ground that in the occurrence against which the FIR has been lodged, the complainant has lost his leg and from this fact itself, the intensity and rashness of the driving of the petitioner can be gauged. He exhorted that it was not merely an accident and to unveil the actual truth, custodial interrogation of the petitioner is required.

Analysis

(5). As can be seen from the contents of the FIR that the complainant was parking his motorcycle to purchase medicine, the car came at a high speed which was being driven by the petitioner in a zigzag manner and in the process hit the motorcycle of the complainant due to which he along with the motorcycle fell on the ground. The matter does not end here. As per the prosecution case, it is also prima facie evident that the way the petitioner hit the complainant's motorcycle, then reversed his car and ran over the complainant again which led to amputation of his leg, imputes suspicion that the incident was not just an accident but a conspiracy. Well, to let the truth out in the peculiar circumstances, it would be necessary that the petitioner is subjected to custodial interrogation.

(6). In view of the above discussion, this Court does not find any ground to grant the concession of anticipatory bail to the petitioner.

(7). Dismissed.

27.09.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No