



CRM-M-52084-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

297

CRM-M-52084-2024
Date of decision: 20th November, 2024

Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.D. Gupta, Advocate for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No. 152 dated 29.06.2024 registered under Sections 279, 427, 338 and 304 of IPC, 1860 at Police Station Tanda, District Hoshiarpur.

2. Briefly stated, the prosecution case is that on 29.06.2024, a police party headed by ASI Narinder Singh, was patrolling in the area of main G.T. Road, leading from Tanda to Hoshiarpur in a private vehicle. At about 7/7:15AM, the police party reached near Adda Saran when a container truck bearing registration No. HP-64-B-7092, overtook the vehicle of police officials from behind. It was being driven rashly and at a high speed. Within



the sight of the police officials, the driver of the said container truck moved it on wrong side and hit a car making Innova bearing registration No. JK-14-J-4434 which was coming from village Kaloa side. The innova car got totally smashed. Four occupants of that vehicle had been pulled out from the car. However, two of them died at the spot and two died subsequently. The driver of the offending vehicle managed to flee from the spot, when the police officials were trying to rescue the victims. Initially a case under Sections 279, 427, 338 and 304 of IPC was registered. Investigation proceedings were initiated. Post-mortem examination of the dead bodies and inquest proceedings were conducted. Subsequently, offences under Sections 279 and 338 of IPC were deleted and offence under Section 307 of IPC had been added. The petitioner was arrested on 02.07.2024. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has wrongly been booked for commission of offences punishable under Sections 304 and 307 of IPC, as ingredients of neither of these offences have been attracted. No *mens rea* has been attributed to him even as per the allegations in the FIR. At the most, the petitioner could have been booked for commission of offence under Section 304-A of IPC. He is in custody since 02.07.2024. His custodial interrogation is no more required. Trial is likely to take time. Therefore, it is argued that the petitioner deserves to be extended benefit of bail.

4. It would not be out of place to mention here that this is the



second bail petition for grant of bail and previous one was dismissed as withdrawn on account of addition of offence punishable under Section 307 of IPC after filing of the said petition.

5. Status report has been filed by respondent-State. It is submitted therein and it is argued by learned State counsel that there are serious allegations against the petitioner. He caused death of four innocent persons due to his rash and negligent driving. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have driven the offending vehicle rashly and at a high speed on the fateful day and is further alleged to have hit the same with the vehicle in which the victims were travelling. The injuries sustained by them in the incident led to their death. However, it is a debatable question as to whether the provisions of Sections 304 and 307 of IPC have been attracted at all or not and this question has to be decided only on the basis of thorough assessment and evaluation of the evidence to be produced during trial and not at this stage. As per the allegations in the FIR itself, it was a case of rash and negligent driving. Trial is likely to take time. Keeping in view the facts and circumstances as enumerated above, but without meaning to make any comment on the merits of the case, this Court is of the opinion that the petition deserves to be allowed. Accordingly, the



same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Illaqa/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th November, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No