

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-56691-2023
Date of Decision.:05.01.2024

Manoj Sharma @ Bhanu
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.P.S. Rana, Advocate for the petitioner.
Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.144 dated 06.11.2022 registered under Sections 302, 34 of the IPC registered at Police Station Division-I, Jalandhar, District Jalandhar.

2. As per the prosecution allegations, on 05.11.2022 ASI Randhir Singh along with ASI Sanjeev Kumar were on duty at Verka Milk Plant Chowk in connection with the visit of Prime Minister to Dera Beas. At about 05:00 p.m., there was rush at the chowk when a goods carrier Bolero bearing No.HP-86-4393 came at a high speed. As ASI Sanjeev Kumar gave a signal to stop the vehicle, the person sitting on the conductor seat directed the driver to hit the vehicle against ASI Sanjeev Kumar. The driver hit the vehicle against traffic police, resulting into injuries to ASI Sanjeev Kumar who was taken to the hospital and succumbed to injuries.

3. It is contended by learned counsel for the petitioner that at the

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most it is a case of rash and negligent driving but simply because death of a police official has taken place, the case has been converted to Section 302 of the IPC. It is further contended that petitioner is in custody for the last more than 07 months; that trial may take time to conclude; that investigation is already complete and charges have already been framed but not even a single witness has been examined so far.

4. Status report by way of an affidavit of Shri Daman Bir Singh, PPS, Assistant Commissioner of Police (North), Police Commissionerate, Jalandhar has been filed on behalf of respondent- State.
5. Learned State counsel opposed the petition but did not dispute the fact that after completion of investigation challan has already been filed and charges have been framed. Status report also reveals that there are 33 witnesses cited by the prosecution but not even a single witness has been examined so far.
6. Having regard to the above facts and circumstances and the fact that trial is likely to take long time to conclude and no purpose would be served by keeping the petitioner detained, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

January 05, 2024

Neetika Tuteja

Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No