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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-59995-2023 (O & M)
Date of decision: 18.04.2024

Dilpreet Singh @ Golu Petitioner
V/s
State of Punjab . ..Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI
Present: Mr.Lakshya Bector, Advocate, for the petitioner.
Mr. Harkanwar Jeet Singh, AAG, Punjab.
Mr. Saurav Kanojia, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.119 dated 29.08.2021 under Sections 279, 338, 304-A and 427 IPC and later on Section 304-A IPC was converted into Section 304 IPC registered at Police Station Sadar Jagraon, District Ludhiana.

2. The present FIR came to be registered at the instance of one Chand Singh and reads as under:-

"Statement by Chand Singh s/o Mukhwinder Singh s/o Harnam Singh r/o Village Chuharchak P.S Ajeetwal Tehsil Moga, aged about 70 years, Mob no. 98721- 43202 stated that I am a resident of the above address and am a retired officer from the Police Dept. I have a son Baljinder Singh aged about 46 years who does farming by profession. Today at around 11:30 AM, my son, with his friend Princedeep Singh s/o Parminder Singh r/o village Dangia, District Ludhiana on his motorcycle CT-100

numbered PB-10-GU-6030 to go to agitation was going from village Dangia to Jagraon city and I was also going behind them on my motorcycle. When we reached the firni of village Kaunke, a white car whose number was PB-15-C-0073 came from behind me in a very careless and high speed and hit the car into my son Baljinder Singh. My son got dragged and hit the wall in front of him and his friend Princedeeep Singh also fell down from the motoreycle. Due to which serious injuries were impacted on the head of my son, Baljinder Singh and he also broke his right leg, the motorcycle also got damaged. This unknown car PB-15-C-0073 did not stop his car and quickly took the car from the spot. I arranged for private vehicle on the spot and took my son first to Kaliani Hospital, Jagraon for treatment, where the doctor did the treatment and referred my son to Ludhiana, and while taking my son to Ludhiana on his way he passed away. I then took my son's dead body to Civil hospital Jagraon and left his body in the supervision of Jagrup Singh s/o Gurbachan Singh r/o Kaunke Kala, and was coming to you to inform you at the PS but I met you at the bus stand, Kaunke Kala. I have given you my statement, I have read it, heard it, it is correct. Legal action shall be taken against the driver of the unknown car numbered PB-15-C-0073. Sign Chand Singh above named verified by Iqbal Singh ASI PS Kaunke Kala dated 29-08-2021”.

3. Though, the FIR had been initially registered under Sections 304-A/338/427/120-B IPC, later on, on the supplementary statement of the complainant, the offence was converted into one under Sections 304/338/427/120-B IPC.

4. The learned counsel for the petitioner contends that the offence was converted into one under Section 304 PC as the complainant was an influential person being a retired police official. Taking the allegations to be

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correct, the offence would be under Section 304-A IPC only. Be that as it may, now, a compromise has been arrived at between the parties and the complainant did not have any objection to the grant of bail to the petitioner. As the petitioner was in custody since 20.06.2023 but none of the 15 prosecution witnesses had been examined so far, the Trial of the case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, contends that serious allegations had been levelled against the petitioner and therefore, he was not entitled to the concession as prayed for. He, however, concedes that the petitioner was in custody since 20.06.2023 and none of the 15 prosecution witnesses had been examined so far.

6. The learned counsel for the complainant, on the other hand, submits that he has no objection if the petitioner is granted the concession of bail.

7. I have heard the learned counsel for the parties.

8. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 20.06.2023, none of the 15 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, as a compromise has been arrived at between the parties.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Dilpreet Singh @ Golu is ordered to be

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released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 18, 2024
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No