

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62112-2023 (O&M)
Decided on : 23.04.2024

Harveer Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S.Ahluwalia, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Sangram Singh Saron, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

CRM-4727-2024

This is an application under Section 482 Cr.PC for addition of the offences punishable under Sections 120-B and 302 (charged alternatively for 304) IPC in the head note as well as prayer clause of the main case.

After hearing learned counsel for the applicant and perusing the paper book, application is allowed and it is ordered that Sections 120-B and 302 IPC be added in the head note as well as prayer clause of the main case.

Registry is directed to make necessary corrections.

Main case

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.61 dated 28.04.2023 under Sections 302/304, 337, 338, 427, 201, 120-B and 511 IPC registered at Police Station Sadar Dhuri District Sangrur.

2. Learned counsel for the petitioner *inter alia* contends that what was initially construed as a motor vehicular accident had been intentionally transformed into a case of homicide. It has been asserted that although the accident in question took place on 27.04.2023 around 8.15 pm, the FIR was not lodged until nearly 24 hours later, on the subsequent day at approximately 7.30 pm, at the behest of the complainant who claimed himself to be an eyewitness to the occurrence in question. Additionally, a supplementary statement under Section 161 Cr.PC was made on 08.05.2023 by the complainant wherein an improved version was brought-forth with malafides to implicate the accused, including the petitioner, for offences under Sections 304/302 IPC. It has been vehemently asserted by the learned counsel that FIR was registered due to pressure tactics employed by the complainant party, including a 'dharna' staged by them, thereby coercing the police into action.

3. Learned State counsel assisted by counsel for the complainant while opposing the prayer made by learned counsel for the petitioner, has vehemently controverted the submissions made by the

counsel for the petitioner. It has been submitted that while indeed the FIR was lodged on the following day, the petitioner was specifically named and there was an explicit allegation made that the petitioner had deliberately driven his vehicle into the motorcycle of the deceased. It has been furthermore argued by the learned counsel that the manner in which the crime was perpetrated clearly suggests pre-mediation on the part of the petitioner.

4. On a pointed query put to the learned State counsel regarding the progress of the trial, he, on instructions, has informed the Court that following the framing of charges, all key witnesses, including the complainant and PW Kuldeep Singh, who elucidated the motive behind the crime have been examined. However, 24 witnesses still remain to be examined.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Before proceeding further, it would be apposite to reproduce the relevant extract of the FIR in question, which is as under:

“Yesterday, on 27.04.2023, my brother Sukhdeep Singh and his wife Supinderjit Kaur on their motorcycle No.PB-10-AZ-0631 make Hero Honda color red, my brother and bharjai on their motorcycle were coming from Sherpur Sodhiyan towards Dhuri and I was also on my motorcycle PB-13-Z-2945 make Platina was going behind my brother’s motorcycle. At around 08.15 pm, when we were little behind near village Dhandran where national highway is under construction, then from Dhuri side an Endeavor car

No.PB-13-BG-3232, which was being driven by Harveer Singh s/o Harvinder Singh r/o Meemsa P.S. Sadar Dhuri District Sangrur, who was already known to me, had came on very high speed with the intention to cause injuries, had caused injuries and then on seeing me he sat in the vehicle and had ran away. I had started handling my brother and bharjai. I had called Hardeep Singh r/o Baradwal on the spot, who along with his friend Inderjit Singh had reached the spot. Then all three of us had brought my brother Sukhdeep Singh and bharjai Supinderjit Kaur to Civil Hospital, Dhuri, for treatment, where the doctor had declared my brother Hardeep Singh dead and my bharjai Supinderjit Kaur was referred to higher centre, whom, Hardeep Singh had got admitted at Amar Hospital, Patiala, for treatment, who is under treatment. My brother Sukhdeep Singh's dead body is lying in mortuary in Civil Hospital, Dhuri. This incident has taken place due to car No.PB-13-BG-3232 make Endeavor's driver Harveer Singh s/o Harvinder Singh r/o Meemsa P.S. Sadar Dhuri, District Sangrur had brought his vehicle from wrong side and had rammed it. In connection with this mishap, we had enquired about it in the morning at our level. That aforesaid Harveer Singh in order to usurp his car used in the aforesaid accident, the tractor driver and other car driver whose No. Is PB-13-AB-3200 make Swift colour white, legal action may be taken against them also because they have also helped aforesaid Harveer Singh and has tried to usurp this accident. In order to get undertaken proceedings against the aforesaid tractor driver and car driver also."

7. The petitioner has now been in custody since 29.04.2023.

After the charges were framed, all the key witnesses including the complainant and PW Kuldeep Singh stand examined. As submitted by the State counsel also, on instructions, 24 witnesses still remain to be examined. The possibility of the trial concluding in the near future thus, does not seem possible; further incarceration of the petitioner would thus, serve no useful purpose.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

23.04.2024
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(MANJARI NEHRU KAUL)
JUDGE

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