

233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.64658 of 2023
Date of decision : 11.03.2024

Amit Petitioner
versus
State of Haryana Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Ms. Sharmila Sharma, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG Haryana.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.236 dated 12.07.2023 registered under Sections 279, 304-A, 337, 427 of IPC registered at Police Station Rohtak Sadar, District Rohtak. (Challan filed under Section 279, 337, 427 and 304 IPC).

2 FIR was registered on the information supplied by one Vinod son of Karambir, which has been alleged as under:-

“To the Chowki Incharge Titoli (Rohtak). Sir it is submitted that I Vinod Kumar son of Karambir resident of village Lakhan Majra, I ply a private chool bus. Today on dated 11.07.2023 my cousin Jai Bhagwan son of Rabir Singh resident of Lakhan Majra and his son Yash were returning back after giving Kothli to his sister Kanta in village Jasorkheri District Jhayyar on his motorcycle No. HR15E-2966 Marka HERO. From Jind by pass chowk I was driving my motorcycle No.HR12Q-6054 marka Pulsar thind motorcycle of my brother Jai Bhagwan. When we reached Jund about in front of Krishna Barfi store near Sunderpur at about 8:00 P.M. a car being driven by its driver in rash and negligent manner at a high speed came from Rohtak side. I was escaped but the car hit motorcycle of my cousin Jai Bhagwan from back side. His motorcycle fell aside, but my nephew Yash entangled beneath the car and the driver went

ahead dragging the child. My nephew Yash died on the spot due to the injuries sustained in the accident. I saw the number of offending car, i.e. HR11G-3627 swift white coloured. My brother Jai Bhagwan also sustained grievous injuries in the accident, who was shifted to PGI Rohtak by me. Stern legal action be taken against unknown car driver. SD/- Vinod 9812285561. Aged 39 years. Time 11:55 P.M. 11.07.2023. Police proceedings:- Today I SI HC Sushil No.1970 were present at Titoli Chowk on patrolling duty. On receiving information regarding accident at round about near Krishna Barfi store reached on the spot, where one person was lying on road side in injured condition along with motorcycle. Many people have assembled there on the spot. One family member of the injured shifted him to PGIMS Rohtak, I was informed that son of my brother Jai Bhagwan was also present on the motorcycle but he was not found on the spot and the car driver dragged him on search dead body of Yash was found on outer new Hisar by pass Railway Fly over in dilapidated condition. Photographs of the dead body were taken and dead body was shifted to mortuary. I along with other officials reached Trauma Centre and obtained a rukka from Doctor and MLR No.AST/PGIMS/39 of 2023 dated 11.07.2023. Injured Jai Bhagwan have suffered five injuries. After reaching TRAUMA Centre opinion of the Doctor was obtained by moving a separate application, if the injured is fit to make statement or not. Doctor declared unfit for statement and in the meantime Vinod cousin brother of the injured moved a written complaint from the contents of complaint Rukka MLR and dead body of Yash, offence under Section 279, 337, 304A, 427 is made out. HC Sushil 1970 is sent to police station and to inform FIR No. after registration of FIR. It is late night. Inquest proceedings under Section 174 Cr.P.C. will be carried out in the morning. Place PGIMS Rohtak SD/- Sunil Kumar ASI 60 PP titoli dated 12.07.2023 time 12:30 A.M. FIR No.236 dated 12.07.2023 under Section 279, 337, 304A IPC 427 was registered at PS Sadar Rohtak. After logging ID of SHO computerized copy of FIRs were prepared and will be sent to higher officials. SHO PS have been informed about the case.”

3 Initially, FIR was registered under Section 304-A and later on the same was converted to 304. Counsel for the petitioner submits that though the incident is unfortunate, there is no intent on the part of the

petitioner. Challan already stands present and 2 material witnesses already stand examined. The petitioner is behind bars for more than 7 months and 26 days and thus would be entitled for grant of regular bail.

4 Counsel for the State is not in a position to dispute the aforesaid factual assertions however, submits that a 9 year old innocent child has lost his life in the present case.

5 Without commenting upon the merits of the case and keeping in view the nature of the allegations and the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

11.03.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No