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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41450-2024

Date of decision: 09.01.2025

Lovejeet Singh and others

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Himanshu Chhabra, Advocate
for the petitioners.Mr. Sandeep Kumar, DAG, Punjab with
Mr. S.S. Goripuria, DAG, Punjab.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.26 dated 10.05.2024 (Annexure P-1) under Sections 283/304-A/379/34 of IPC registered at Police Station Sadar Abohar, District Fazilka, Punjab.

On 29.08.2024, the following order was passed:-

'The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.26, dated 10.5.2024 at Police Station Sadar Abohar, District Fazilka (Punjab), under Sections 283, 304-A, 379 and 34 of Indian Penal Code.

The FIR was lodged at the instance of Bhupinder Singh, wherein it is alleged that his son Gursagar Singh aged 28 years had recently returned back from Australia. On 4.6.2023, when he was returning back from Abohar in his Scorpio vehicle bearing registration No.PB-14-D-0059, then he met with an accident on the way. The complainant received intimation with respect to the said accident through telephone from various persons, who had informed him that due to reflection of lights during night time and due to some fault in automatic system of Scorpio vehicle and due to poor condition of the road the Scorpio vehicle had hit against a tractor-trolly filled with mud from its rear side, which was parked on the road and which did not even have any reflector. It is alleged that the said tractor-trolly belongs to Hira Singh and his son and on account of the injuries sustained by complainant's son, he could not survive.

Learned counsel for the petitioners submitted that a perusal of the FIR itself would show that the accident in question had taken place mainly on account of bad condition of road and on account of failure of some automatic system of the vehicle. Learned counsel has next referred to DDR(Annexure P-5) lodged pursuant to statement made by Davinder Singh (uncle of the deceased) on the very next day of the accident i.e. on 5.6.2023, wherein he has clearly stated that the



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accident had not occurred on account of fault of anyone and had occurred on account of the reflection of lights due to darkness.

Learned counsel for the petitioners submitted that somehow the FIR came to be lodged after a gap of about 11 months of the accident apparently on account of some dubious reasons. It has been submitted that the petitioners had been granted interim bail by the Trial Court, but the petition was finally dismissed on the premises that the petitioners did not get the tractor-trolla recovered. Learned counsel for the petitioners submitted that he has instructions from his clients to the effect that the tractor-trolla is in extensively damaged condition and that they could get the same recovered.

Notice of motion for 9.1.2025.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petitioners as per assurance given by learned counsel for the petitioners shall get the tractor-trolla recovered.'

Learned State counsel on instructions from ASI Om Parkash, at the very outset informs the Court that petitioners No.1 & 3 have joined the investigation and their custodial interrogation is not required. He further submits that petitioner No.2 has been declared innocent vide DDR No.22 dated 05.01.2025.

In view of the statement of learned State counsel, order dated 29.08.2024 is hereby made absolute. Petitioners No.1 & 3 shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

09.01.2025

Neha

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