
(2010) 07 P&H CK 0057
In the Punjab And Haryana At Chandigarh

Sandeep	Vs	APPELLANT
State of Haryana		RESPONDENT

Date of Decision : 02-07-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 279, 302, 304A

Citation : (2010) 07 P&H CK 0057

Hon'ble Judges : S.S. Saron, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.S. Saron, J.—Heard Counsel for the parties.

2. The petitioner seeks regular bail in a case registered against him for the offences under Sections 302 and 120-B IPC.

3. The FIR in the case has been registered on the statement of Balwant Singh, brother of the deceased Mangat Ram. According to the complainant, he and his brother namely Mangat Ram (deceased) were going on their respective cycles by putting tins on the same for bringing water from the tap near "kothra" of Kartar son of Rakhe Ram resident of Dighal. The brother of the complainant was 20/25 steps ahead of him. When they reached near "kothra" at about 6.30 am, a Cruiser vehicle driven by their neighbour Sandeep (petitioner) in a rash and negligent manner came from behind. It took a sharp turn all of a sudden and hit the cycle of the brother of complainant namely Mangat Ram from behind due to which he fell down on the road and received serious injury on his head. Sandeep (petitioner) then fled away with his vehicle towards Jhajjar. Mangat Ram, brother of the complainant died at the spot due to injury sustained by him on his head. The accident, it is stated, took place due to rash, careless and negligent driving of the "cruizer" vehicle driven by the petitioner.

4. The FIR was initially registered on 25.11.2009 for the offences under Sections 279 and 304-A IPC. Later, on 30.11.2009, the complainant submitted an

application to the Superintendent of Police, Jhajjar alleging that his brother Mangat Ram (deceased) had been killed by the petitioner intentionally. The petitioner was arrested in the case on 25.11.2009 for the offence u/s 304-A IPC. Later the offence u/s 302 IPC was added. The brothers of the petitioner namely Ashok Kumar and Raj Kumar (co-accused) were also sought to be involved in the accident which took place on 25.11.2009 as conspirators. The Police found Raj Kumar, brother of the petitioner to be innocent. However, the petitioner and his another brother namely Ashok Kumar were charge-sheeted (challaned) by the police u/s 302 read with Section 120-B IPC. Ashok Kumar, brother of the petitioner has since been admitted to bail by the learned Sessions Judge, Jhajjar vide order dated 23.4.2010 (Annexure P1). The questions whether the petitioner is liable for the offence u/s 302 read with Section 120-B IPC or Section 304-A read with Section 120-B IPC and whether there was a motive to commit the murder of Mangat Ram by the petitioner by running over him with his jeep, are to be considered and gone into by the learned trial Court after evidence has been led. Therefore, it would be inappropriate to go into any motive at this stage. The petitioner is in custody for the last more than six and a half months. The trial in the case is likely to take time.

5. In the circumstances, the Crl. Misc. petition is allowed and the petitioner on his furnishing personal bond and surety to the satisfaction of the learned Chief Judicial Magistrate, Rohtak shall be admitted to bail.