

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

**Criminal Misc. No. M-1353 of 2010**

**Date of decision : March 31, 2010**

Shahun

....Petitioner

versus

State of Haryana

....Respondent

**Coram: Hon'ble Mr. Justice L.N. Mittal**

Present : Mr. Jamshed Ahmed, Advocate, for the petitioner

Mr. Narinder Singh, DAG Haryana

**L.N. Mittal, J. (Oral)**

Shahun has filed the instant petition for bail in case FIR No. 240 dated 11.7.2009, under sections 279, 304, 427, 120-B IPC, Police Station Hathin District Faridabad.

I have heard learned counsel for the parties and perused the case file.

Initially the case was registered as a case of motor vehicular accident for offences under sections 279, 304-A IPC on the statement of Rajinder Singh uncle of deceased Naresh Kumar. It was alleged that Naresh Kumar had left the field on motorcycle to bring meals. However, he did not return. He also did not reach the house. It was heard in the village that some accident had taken place. Then it was found that Naresh Kumar was lying injured on the road along with broken motorcycle. Naresh

Kumar was removed to hospital but he succumbed to his injuries.

During investigation, three eye witnesses of the village of the deceased are said to have disclosed that after the accident when Naresh Kumar had fallen on the ground, there were altercation between Naresh Kumar and occupant of the car who had caused the accident and on account thereof the car driver again hit Naresh Kumar intentionally and then fled away. Learned counsel for the petitioner contended that the petitioner is in custody since 12.7.2009 i.e. for more than eight months. A case of simple accident has been converted into case under section 304 IPC. It was also contended that if there were three eye witnesses of the occurrence belonging to the village of the deceased, they would not have left the deceased alone at the spot nor they informed the family members of the deceased.

Without commenting on merits, I find it to be a fit case for releasing the petitioner on bail. Bail petition is accordingly allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Faridabad.

**March 31, 2010**

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**( L.N. Mittal )  
Judge**