

221

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-13303-2024
Date of decision:-01.04.2025

DILPREET SINGH

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. S.S. Grewal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. Yugansh Goyal, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 31.03.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
105	26.08.2023	304 IPC	Nihal Singh Wala, District Moga

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no offense under Section 304 IPC is made out against the petitioner, as neither there was any motive nor any previous dispute between the parties. He contends that the petitioner is in custody since 26.08.2023

and after completion of investigation, challan has already been presented in Court, as such, petitioner is not required for further investigation, hence prayed for grant of concession of regular bail to the petitioner.

5. Per contra, learned State counsel has opposed the bail application by referring to the reply submitted by the State and contend that during investigation petitioner was arrested and his dope test was got conducted from Civil Hospital, Moga and the same found to be positive, and the petitioner was allegedly found under the influence of Marijuana, while driving four wheeler in zig-zag manner, in an inebriated condition to which, he mowed down two innocent women. He contends that after completion of investigation, charges under Section 304 IPC has been framed against the petitioner and trial is going on, and material witness of the case have yet not been examined, so releasing the petitioner at this stage may effect trial, as such, considering the heinous nature and gravity of offence, he prays for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it is observed that present FIR was registered on the complaint of Balram Singh stating that on 26.08.2023 he along with his wife Sandeep Kaur were waiting for the bus to Bhadaur, in the meanwhile, a four wheeler make Scorpio bearing No.PB-31R-1872 being driven in zig-zag manner came from the side of Moga hit and mowed down his wife and the women standing near her. People gathered at the spot and the driver of the vehicle stopped the vehicle and ran away to the village. Both the women died on the spot and their dead bodies were shifted to the mortuary of Civil Hospital, Moga. In the meanwhile, family members of the other women reached and identified her as Swaran Kaur. Complainant further states that the alleged

four wheeler was being driven by Dilpreet Singh, who mowed down his wife and one Swaran Kaur. Hence, the FIR was registered and during investigation Scorpio was taken into possession and on search, Registration Certificate, besides original driving license of petitioner was recovered from the dashboard of the vehicle. Subsequently, the petitioner was arrested and his dope test was conducted and as per reply submitted by the State the dope test of the petitioner was found to be positive for being under the influence of Marijuana while driving the vehicle in an inebriated state.

7. It is evident from record that there are specific allegations against the petitioner of driving Scorpio under the influence of Marijuana and mowed down Sandeep Kaur and Swaran Kaur. This aspect has even established on record as per dope test of the petitioner conducted wherein he was found positive for being under the influence of Marijuana while driving the vehicle in an inebriated state. Considering the fact that petitioner was driving the vehicle in an inebriated state being under the influence of drugs which was found positive in his dope test, resulting in two valuable human lives having been lost due to such act of the petitioner. Therefore, considering the nature and gravity of the offence, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

01.04.2025

Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No