

inconvenience to the neighbours. When they were asked to stop the music, they made altercation between them and they called Vijaypal Singh and their accomplices. Vijaypal Singh came on his tractor and Arshpreet Singh @ Arshdeep Singh (petitioner) was also sitting on the mud guard of the tractor. The tractor was driven towards the complainant side and Dilbagh Singh, Amandeep Singh and Jagpreet Singh saved themselves by escaping from the place of occurrence, whereas, the tractor had run over the complainant and his mother Harjit Kaur in order to kill them. The complainant-Nishan Singh was injured, whereas his mother died at the spot.

3. Learned counsel for the appellant contends that it was a case of road accident and by exaggerating the version, it has been converted into an offence under Section 302 IPC. In fact, the appellant is a student of 10+2 class at Govt. School Kalanaur, District Gurdaspur and had never driven the tractor. He further contends that even as per the case of the prosecution, the appellant was only sitting on the mud guard of the tractor and the tractor was driven by Vijaypal Singh, co-accused. The appellant was arrested in the present case on 27.08.2024 and is in custody for the last more than 08 months. He further contends that charge is yet to be framed against the appellant and his further custody will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the appellant on the ground that serious allegations have been levelled against the present appellant and he does not deserve the concession of bail by this Court.

5. Learned counsel appearing on behalf of respondent No.2/ complainant submits that he has no objection, in case the present appeal is ordered to be allowed by this Court.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, it has been alleged against the appellant that he was sitting on the mud guard of the tractor, which was used in the commission of crime and the tractor was admittedly driven by Vijaypal, co-accused. The appellant is stated to be in custody for the last more than 08 months. Moreover, the trial is not even formally commenced against the appellant and the final disposal of the case may take quite a long time.

8. Thus, without commenting on the merits of the case, the present appeal is allowed and the appellant is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

(N.S.SHEKHAWAT)
JUDGE

30.04.2025
hemlata

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