



2023:PHHC:141140

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

243

CRM-M-38475-2023

Date of decision: 06.11.2023

Nikesahni @ Nike Sahni @ Nikesh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.19 dated 13.01.2023 under Sections 304 of the IPC registered at Police Station Rama Mandi, District Jalandhar.

2. Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted upon him for having allegedly pushed the deceased on the road following some verbal spat between them; thereafter some unknown vehicle ran over the deceased as a result of which he was crushed under its rear tyre. Learned counsel submits that the petitioner has clean antecedents and has now been in custody for 10 months having been arrested on 30.01.2023. After the charges were framed on 29.04.2023, none of the 08 prosecution witnesses have been examined till date. He submits that in the facts and circumstances particularly in view of the allegations levelled in the FIR in question, further incarceration of the petitioner would serve no useful



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purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner has been charged for offence under Section 304 of the IPC. It has also not been disputed that none of the 08 prosecution witnesses have been examined so far. Learned State counsel, however, submits that the deceased was run over by a passing vehicle when the petitioner intentionally pushed him on the road and hence he had, thus, actively participated in the crime in question.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 30.01.2023. In view of the allegations levelled in the FIR and in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.11.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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