

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

**CRM-M No.14904 of 2020 (O&M)
Decided on: 05.08.2020**

Rohtash @ Laboria

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.S. Jammu, Advocate
for the petitioner (through video conferencing)

Mr. Manish Dadwal, AAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 3rd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.82 dated 03.06.2018, for offence punishable under Sections 307 of the Indian Penal Code, 1860 (in short 'IPC'), 25 of the Arms Act, 1959, registered at Police Station Nathusari Chopta, District Sirsa.

The earlier ones were dismissed as withdrawn.

Counsel for the petitioner has argued that as per the allegations in the FIR, the complainant – Suresh @ Kalu stated that he was called at the bus stand along with Rs.16,000/- and the petitioner came on a motorcycle and he handed over Rs.16,000/- to him. Thereafter, a dispute arose between them regarding the election of Sarpanch. The petitioner – Rohtash @ Laboria, thereafter took out country-made pistol from his DUB and challenge him to teach a lesson and fired a shot upon him from his country-made pistol, which hit on

the left arm of the complainant, who ran away from the spot to save himself and took shelter in the house of Bhoop Singh Laboria. The accused followed him by entering the house of Bhoop Singh Laboria and they grappled each other and many persons gathered there in the meantime and one Iqbal @ Bali also came at the spot.

Counsel for the petitioner has also submitted that vide order dated 20.01.2020, this Court has directed the trial Court to conclude the trial within a period of 09 months while deciding his second bail application, however, due to COVID-19 pandemic, the same could not be completed. It is further submitted that Suresh @ Kalu as well as Iqbal @ Bali appeared as PW2 and PW4 and did not support the prosecution version. Counsel for the petitioner has, thus, argued that the petitioner who is in long custody be granted the concession of regular bail.

Counsel for the State has filed the Custody Certificate today in the Court and as per the Custody Certificate, the petitioner is in custody for the last 02 years and he is involved in number of FIRs under Sections 392 IPC, 25/54/59 of the Arms Act, 332, 395 IPC, etc. in Police Station Nathusarai Chopta, Sirsa, Police Station Bhattu Kalan, Fatehabad, Police Station Ding, Sirsa and opposed the prayer for bail on the ground that in case the petitioner is granted bail, he may again repeat the offence.

Counsel for the State has, however, argued that there is no formal compromise between the petitioner and the accused, which reflects that under the threat of the petitioner, the complainant and the eye-witness turned hostile, however, there is another supporting

evidence to connect the petitioner with the offence as it has come from the FSL report that the fire arm used by the petitioner had caused injuries to the complainant.

Counsel for the State has further argued that even the nine months time given by this Court will be over on 20.09.2020.

After hearing the counsel for the parties and considering the Custody Certificate showing the petitioner to be under-trial in 09 FIRs and also in view of the fact that the FSL report primarily show the involvement of the petitioner, which is to be finally considered by the trial Court, this Court is not inclined to grant the concession of regular bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

05.08.2020
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No