

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

207

CRM-M-7169-2021

Date of Decision:20.08.2021

ROHIT GORIA ALIAS KAKI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: None for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Through the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.315 dated 08.12.2020, registered under Sections 307, 120-B, 148, 149 of IPC, 1860, and Section 25 and 27 of the Arms Act, 1959, at Police Station City Ferozepur, District Ferozepur.

As per the prosecution case, FIR, Annexure P-1, came to be lodged on the statement of Makhan on the allegation that on 08.12.2020 at about 2.30 pm when he was going on his motorcycle, then six youngsters on three motorcycles came and stopped him. It is alleged that Sonu Bhatti was armed with a pistol, Mithun @ Surjeet and Rohit Gorla @ Kaki (present petitioner) were armed with *kirpan* and Mithun @ Surjit, Akash and Sahil @ Tiddi, armed with *kapa*. An unidentified person was also present at the spot. Mithun @ Surjeet is alleged to have instigated the co-accused to kill the complainant as Jagga, brother of the complainant, had got an FIR

registered against them. Sonu Bhatti fired shots, which hit the chest and thigh of the complainant, who raised an alarm, which attracted the notice of a passersby and the accused escaped from the spot while firing shots in the street.

Counsel for the petitioner has contended that no injury is attributed to the petitioner though he is alleged to be carrying a *kirpan*. He submits that co-accused, Sonu Bhatti, is accused of firing and the offences under Section 307 IPC and Arms Act, 1959, have been allegedly committed by him.

Upon instructions from ASI Jaspal Singh, State counsel submits that the petitioner is a gangster, and he is specifically named in the FIR was present at the spot and armed with a deadly weapon. He submits that the petitioner is involved in a number of other cases including FIR No.06 dated 05.01.2021 registered for offence under Section 302 IPC at Police Station City Ferozepur, subsequent to the present incident.

Heard.

As per the allegation in the FIR, petitioner is a part of unlawful assembly who alongwith co-accused, waylaid the complainant. Shots have been fired on the complainant and he has received four injuries. Custodial interrogation of the petitioner is necessary to find out the source from where the weapon has been procured and determine his role in the conspiracy. Moreover, the petitioner has criminal antecedents. Discretionary relief of anticipatory bail is not meant for an accused, who has a criminal past.

Petition is dismissed.

It is clarified that nothing said hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.08.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No