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

CRM-M-38749-2021 (O&M)
Date of decision : 17.09.2021

Rohit @ Lotan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.291 dated 02.11.2019 registered under Sections 323, 325, 506, 34 of the Indian Penal Code, 1860 (later on Sections 379-B, 148, 149 of IPC were deleted) at Police Station Chhappar, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that in the present case, Sections 379-B, 148 and 149 of the IPC have already been deleted. It is further submitted that offence under Sections 325 and 323 of the IPC are bailable and it is only offence under Section 506 of IPC which is non-bailable. It is further submitted that Vishal, other co-accused who was

arrested, had already been granted regular bail and co-accused namely Gaurav had also been granted the concession of anticipatory bail.

Learned counsel for the petitioner has further submitted that out of four cases registered against the petitioner, he has been acquitted in two cases and in the other two cases, he has already been granted bail and for the same, he has referred to the orders dated 07.04.2021 and 23.08.2021 (Annexures P-2 and P-3) passed by this Court. .

In the present case, as per the prosecution version, the petitioner had been attributed one injury on the left hand of the complainant resulting into the fracture of three fingers. Moreover, the petitioner is involved in four cases.

A perusal of order dated 07.04.2021 (Annexure P-2) would show that in fact, in the said case, in which FIR was registered among other Sections including Section 307 of IPC, the petitioner had gone to Mauritius without seeking permission of the Court to go abroad and had been declared proclaimed offender. A perusal of order dated 23.08.2021 (Annexure P-3) would show that in FIR No.145 dated 04.06.2018, the petitioner had absented himself from the proceedings on two occasions. Even the present FIR was registered on 02.11.2019 and the petitioner had applied for anticipatory bail before the Additional Sessions Judge, Yamuna Nagar at Jagadhri on 26.08.2021 i.e. after a period of more than 1 year and 9 months. The petitioner was even evading his arrest in the present case also. Reliance placed upon the bail granted to Vishal and Gaurav, co-accused, does not support the case of the petitioner inasmuch as co-accused namely Vishal was granted regular bail on 04.03.2020. With respect to Gaurav, it is suffice

to note that said Gaurav had not inflicted grievous injuries and there is nothing on record to show that he had misused the concession of bail in any case.

Keeping in view the abovesaid facts and circumstances, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

17.09.2021
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**