

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

216

CRM-M-1086-2022

Date of decision: 14.01.2022

ROHIT SAHNI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Navraj Singh Mahal, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 105 dated 26.08.2015 registered under Sections 353, 186, 341, 34 of the Indian Penal Code, 1860 at Police Station Division 4, Jullunder, District Jalandhar City.

The above said FIR was registered on complaint made by Dr. Chander Parkash, Emergency Medical Officer, Civil Hospital, Jalandhar on the allegations that on 25.08.2015 at about 09.35 P.M., he was on emergency night duty then one Nitin came in the emergency ward and he started his medical treatment and prepared his Medical Legal Report. After some time, Nitin along with his brother Ashwani and two/three other persons came in the emergency ward and they pressurized him to declare the injury on the person of Nitin as greivous

without waiting for the X-Ray report. The accused persons misbehaved with him and manhandled him and created hindrance in discharge of his official duties. The present petitioner has been nominated as an accused on disclosure statement made by Ashwani Kumar.

Custody Certificate dated 13.01.2022 has been sent by learned State Counsel through e-mail, print out of which is taken on record.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The petitioner was not named in the FIR and has been nominated as an accused on statement of co-accused-Ashwani Kumar @ Biblani @ Aashu. The petitioner was wrongly declared as proclaimed offender in the above said FIR as the proclamation proceedings were effected on his old address. Co-accused Ashwani Kumar @ Biblani @ Ashu has already been acquitted in the aforesaid FIR by the learned trial Court vide judgment dated 17.10.2019. The petitioner is in custody since 22.11.2021 and trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the submissions of learned Counsel for the petitioner and has submitted that the petition for grant of regular bail may be dismissed.

Having considered the facts and circumstances of the case,

the period of custody of the petitioner, acquittal of co-accused Ashwani Kumar @ Biblani @ Aashu by the learned trial Court and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.01.2022
kavneet singh

(SANT PARKASH)
JUDGE

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