

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

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**CRM-M-4321-2022 (O&M)
Date of Decision: 24.05.2022**

ROHIT

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sunny Kadiyan, Advocate
for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.144 dated 04.06.2020, registered under Sections 379-B, 34 IPC and Section 27 of the Arms Act, 1959, at Police Station Israna, District Panipat, the first one having been dismissed as withdrawn on 25.08.2021.

Status report by way of an affidavit dated 19.05.2022 of the Deputy Superintendent of Police, Crime Against Women, District Panipat, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner was produced on production warrants dated 11.12.2020 and that recovery of a country made pistol has already been effected from the petitioner. He further submits that complainant-Jaibir and one Monu (nephew of the

complainant), have tendered their affidavits as P-8 and P-9 stating therein that the petitioner is not the person, who had committed the crime and that they have not supported the prosecution version and turned hostile. He further submits that the allegation of snatching Rs.10,000/- on a gun point, was found to be false and that the petitioner has been in custody since 15.12.2020.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner is a habitual offender, inasmuch as, four more FIRs have been registered and/or pending against him. He further submits that some of the prosecution witnesses, are yet to be examined.

While controverting the aforesaid submissions made by the learned State counsel, learned counsel for the petitioner submits that out of the four cases, the petitioner has been acquitted in FIR No.502 of 2020 and FIR No.208 dated 12.05.2020, convicted in FIR No.241 dated 04.06.2020 and FIR No.243 dated 05.06.2020 is under trial.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 15.12.2020. As far as other cases are concerned, the petitioner has been acquitted in two; convicted in one and remaining one is under trial. Complainant and his nephew have turned hostile. Remaining prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

24.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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