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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.7250 of 2022 (O&M)

Date of decision: 24.02.2022

Rohit Dhir @ Jhardia

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 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.02 dated 08.01.2020, for offence punishable under Sections 307, 323, 324, 506, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Nakodar, District Jalandhar (Rural).

Counsel for the petitioner has relied upon the order dated 22.02.2022 passed in CRM-M No.42311 of 2021, vide which the co-accused of the petitioner namely Jasvir Singh @ Jassa, was granted the concession of regular bail. The operative part of the said order, reads as under:-

“Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Amritpal Singh, he was driving the motorcycle, which got slipped and he has gone to the Civil Hospital, Nakodar with his friend Jeevan for taking first aid and thereafter, he was coming back, when Rohit Dhir @ Jhardia carrying a

datar, the petitioner Jasvir @ Jassa also carrying a datar and Naveen @ Billa along with 4-5 persons, came at the parking area and started arguing with him and in the meantime, the brother of the victim namely Gurpal Singh, Manjit Singh @ Jeeta also came at the spot and thereafter, Ajit Singh @ Nanni raised a lalkara to teach them a lesson. Rohit Dhir @ Jhadia gave 02 datar blows then the petitioner Jasvir also gave 02 datar blows on the head of the victim and the other accused also gave multiple injuries to the petitioner. It is also submitted that the petitioner is in custody for the last 01 year and 06 months and he is ready to pay Rs.50,000/- to the victim towards his medical expenses, without prejudice to his right of defence.

Reply by way of affidavit of the Deputy Superintendent of Police, Sub-Division Nakodar, District Jalandhar, is on record and after verifying the facts of the FIR, it is stated that the petitioner has given 02 injuries with a datar on the head of the complainant and other accused also gave injuries and in total there are 09 injuries suffered by the victim.

Counsel for the State has also submitted that charges have not yet been framed before the trial Court and therefore, out of 18 PWs, no prosecution witness has been examined, so far.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year and 06 months; the custodial interrogation of the petitioner is not required; the conclusion of the trial will take some time due to COVID-19 situation and the petitioner volunteers to pay Rs.50,000/- to the victim, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

This will, however, be subject to the condition that the petitioner will hand over a demand draft of Rs.50,000/- at the time of furnishing bail/surety bonds, towards the medical expenses of the victim, without prejudice to his right of defence.”

Counsel for the petitioner has argued that the petitioner is in custody for the last 01 year, 06 months and 19 days and he is also ready to pay Rs.50,000/- as compensation to the victim, without

prejudice to his right of defence.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the 01 year, 06 months and 19 days; the co-accused of the petitioner is already released on bail; the custodial interrogation of the petitioner is not required; the conclusion of the trial will take some time due to COVID-19 situation and the petitioner volunteers to pay Rs.50,000/- to the victim, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

This will, however, be subject to the condition that the petitioner will hand over a demand draft of Rs.50,000/- at the time of furnishing bail/surety bonds, towards the medical expenses of the victim, without prejudice to his right of defence.

(ARVIND SINGH SANGWAN)
JUDGE

24.02.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No