

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

221

CRM-M-9310-2022

Date of Decision : **March 09, 2022**

ROHIT HANS

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. J.S.Dadwal, Advocate
for the petitioner.

Mr. K.S.Sidhu, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.140 dated 16.5.2021 under Sections 323, 341, 307, 379-B, 148, 149 IPC and later on added Sections 326, 201 IPC, registered at Police Station Division No.3, Ludhiana.

It has been submitted by the learned counsel for the petitioner that in the present case the petitioner is in custody from 28.10.2021 and the police has already investigated the case and challan has been presented before the competent Court under Section 173 Cr.P.C. and the matter is now fixed for consideration of framing of charges. He submitted that so far as the alleged role of the petitioner is concerned, sword blow on the hand of the injured has been attributed to him as per the FIR. He further submitted that in the present case, the petitioner has been falsely implicated and infact the other similarly situated co-accused,

namely, Akhil Sabharwal, Manpritpal Singh @ Pretty and Ajay Kumr @ Aju @ Ajay Sahota have been granted bail by this Court vide Annexure P-3. He submitted that the petitioner is at parity with the aforesaid co-accused. He further submitted that although the petitioner is involved in one another case under Section 307 IPC but his name was nominated on the basis of a disclosure statement and there is another case under the NDPS Act in which he is on bail.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody from 28.10.2021 and investigation of the case is complete and nothing is to be recovered from the petitioner as of now. He submitted that the injury attributable to the petitioner is grievous in nature. So far as the bail granted to the other co-accused is concerned, the learned State counsel has submitted that it is correct that those persons had also allegedly caused injuries on the injured persons.

I have heard the learned counsels for the parties.

In the present case the investigation is already complete and it was a case where a fight had taken place between number of persons and four other co-accused against whom also there were allegations of causing injuries to the injured persons have been granted bail by this Court. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

March 09, 2022
ajay-1

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No