

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

CRM-M-21731-2022(O&M)

Date of Decision:-22.11.2022

Rohit Kant @ Sunny.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. J.S. Dahiya, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.434 dated 02.12.2021 under Sections 324, 506, 34, 201 IPC and later on added Section 307 IPC registered at Police Station Arya Nagar, Rohtak, District Rohtak.

The present FIR came to be registered at the instance of Varun Kumar who stated that at about 8.00 PM while he was in the street, five boys namely Pawan, Goly, Sunny (@ Rohit Kant-petitioner) and two remaining boys whose names he did not know came to the spot. Sunny was armed with *lathi* and he inflicted a blow of the same on his arm and the unknown boys attacked with a *sua*. He fell down on the ground and while

lying on the ground the aforementioned boys gave him kick blows. His brother Sumit came in the street and thereafter the five boys ran away from the spot with their respective weapons.

The Counsel for the petitioner *inter alia* contends that the petitioner has been attributed an injury with a *lathi* on the arm of the complainant which is a simple injury. The injury attracting Section 307 IPC has been attributed to Nishant with a *sua*. The offence under Section 307 IPC was added by the police later on during the course of investigation and the opinion of the doctor is also not very clear qua the injury which is stated to be dangerous to life. The petitioner was in custody since 10.02.2022 and is a first time offender. Since none of the 15 cited prosecution witnesses have been examined so far, the Trial of the present case was not likely to be concluded any time soon and, therefore, the petitioner deserved the concession of bail.

The Counsel for the State on the other hand contends that the petitioner is one of the accused who assaulted the complainant which led to the registration of the FIR. The nature of the allegations against the petitioner and his co-accused do not entitle him to the grant of bail. He however, does not dispute the fact that the petitioner does not have any criminal antecedents and none of the prosecution witnesses have been examined so far.

I have heard learned Counsel for both the parties at length.

Admittedly, the petitioner has been attributed a simple injury to the injured/complainant-Varun. The injury attracting Section 307 IPC has been attributed to his co-accused Nishant. The petitioner is in custody since 10.02.2022 and none of the 15 prosecution witnesses have been

examined so far. Therefore the trial of the present case is not likely to be concluded any time soon.

Thus, without commenting on the merits of the case, the petitioner-**Rohit Kant @ Sunny** son of Sh. Krishan Kant is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 22, 2022

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>