

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34299-2021 (O&M)
Date of decision: 04.04.2022

Rohit Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.K. Banwal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.191 dated 07.07.2021 under Sections 332, 353, 307, 427, 34 IPC and Sections 1/14/61 of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Bilaspur, District Yamuna Nagar.

On 08.11.2021, following order was passed by this Court: -

“Though a reply dated 04.10.2021, has been filed by the DSP, Headquarters, Yamunanagar, on behalf of the respondent State, the DSP has not even bothered to read the reply it seems, because paragraph 4 of the preliminary submissions of the reply is incomplete.

The SP, Yamunanagar, is now directed to file his own affidavit in reply to the petition, failing which he shall remain present in court on the next date of hearing itself.

The reply already filed is ordered to be returned to the learned State counsel, with the SP to give an explanation as to why his subordinates are filing replies without even reading them, with a written explanation to be called from the DSP by the SP, which would be annexed alongwith the reply to be filed by the DSP.

The petitioner is stated to have been in custody since 08.07.2021, i.e. 4 months, with it to be noticed that even as per the reply sought to be filed by the DSP, it was on Bhanu Ram who was driving the car, which otherwise is stated to be belonging to the petitioner, with the allegation as regards the offence punishable under the provisions of Section 307 of the IPC, being that the said car was deliberately dashed into the car of the police and therefore, an attempt to murder had been committed.

That being so, even at this stage without making any comment on the actual merits of the case, the petitioner is ordered to be admitted to interim bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Area Magistrate concerned, till the next date of hearing before this court.”

Learned counsel for the petitioner submits that vide aforesaid order, the petitioner was granted the concession of interim bail and he has not misused the concession.

Reply by way of affidavit of Superintendent of Police, Yamuna Nagar is on record.

Custody certificate dated 02.04.2022, filed in the Court today, is taken on record, according to which, the petitioner was released on interim bail on 12.11.2021 and as on today, his custody is of 04 months and 03 days and he is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the interim order dated 08.11.2021 passed by this Court, granting interim bail to the petitioner, is hereby made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

04.04.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No