

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46849-2021

DATE OF DECISION: FEBRUARY 22, 2022

NITESH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. D.K. TUTEJA, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.232 dated 26.6.2021, under Section 148, 149, 307, 323, 506 IPC and Section 25 Arms Act, 1959, Police Station Urban Estate Rohtak, who is in custody since his arrest on 7.7.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Rohtak in the order dated 28.10.2021, are as under:-

“Briefly the prosecution case is that this case was registered on the complaint of Arpit son of Surender, who has stated that he is a Kabaddi player. His date of birth was wrongly recorded in Aadhar Card and he was trying to get the same corrected in Sonapat, but it could not be corrected. He called his friend Deepak son of Rakesh in this regard and he told that he is having his friend in Rohtak who will get the same corrected. So on 24.06.2021 at about 4.30 p.m. he alongwith his friend Deepak came to Rohtak. At Rohtak bus stand, one friend of Deepak met him and he took them to Prince hotel.

They took one room there. After about one hour his friend Atul and Harsh also reached there. At about 1.00 a.m. door of his room was locked. Deepak opened the door. In front of door one boy was standing and he asked as to who is from Bahadurgarh. Atul told that he is from Bahadurgarh. After this the abovesaid boy started beating him with fist and blows. They all intervened. On this that boy went away. At about 1.30 a.m. that boy alongwith 5-6 other boys again came and got opened the door of their room. They started beating them with Bitta. One of the boy was armed with a pistol and he fired on him with intent to kill him which hit on his right hand. One of the boy also gave bitta blow on his head. Thereafter he got unconscious. He was taken to PGIMS Rohtak. He requested to take action against the abovesaid persons.”

Learned counsel for the petitioner has argued that the name of the petitioner does not figure in the FIR and as per prosecution itself, the injury suffered by victim inviting the offence punishable under Section 307 IPC was caused by co-accused Sahil who has been released on regular bail. According to him, the weapon of offence and cartridges were recovered from co-accused Sahil and Saurav. He prays for bail.

On the other hand, learned State counsel assisted by ASI Surender while opposing this prayer does not dispute this fact that the gunshot injury was caused by Saurav who is on regular bail. He, on instructions further states that the case is coming up before the trial Court on 6.4.2022, for framing of charges.

Considering the above background, the length of custody of the petitioner and the fact that the co-accused of the petitioner has already been

released on regular bail, therefore, further detention of the petitioner may not be justified for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 22, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No