

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-6015 of 2023
Date of Decision:09.02.2023

Rohit Kumar @ Bhuchi

....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Satbir Singh Gill, Advocate,
for petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.86 dated 07.04.2020, under Sections 307,326, 324, 188, 269, 148, 149 IPC (Sections 323, 325, 120-B, 34 IPC added later on), registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 27.03.2021, which is about 1 year and 11 months and after completion of the investigation, the final report under Section 173 of the Code of Criminal Procedure has been presented on 22.06.2021 but till date no prosecution witness has been examined. He submitted that the petitioner has

been falsely implicated in the present case and as per the allegations, although the injuries attributable to the petitioner were grievous in nature but the petitioner has been in fact falsely implicated and the other co-accused namely Sahil Kalra @ Gaggu, who is at parity with the petitioner has been extended the benefit of bail by a co-ordinate Bench of this Court on 29.10.2021 vide Annexure P-3. He submitted that although there are three more cases against the petitioner but out of those three cases, two of them pertain to Excise Act and therefore the pendency of the other cases against the petitioner should not become a ground for denial of the bail to the petitioner particularly in view of the fact that he has already faced incarceration for about two years, i.e. one year and eleven months and that the other co-accused who is at parity with the petitioner, has been granted bail by this Court.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has stated that it is correct that the petitioner is in custody from 27.03.2021, which is about one year and eleven months and the other co-accused namely Sahil Kalra @ Gaggu who is at parity with the present petitioner has been granted bail by this Court. She has however opposed the grant of bail to the petitioner on the ground that the matter is serious in nature and the role attributable to the petitioner was hitting with sword and injuries were declared as grievous in nature and that the petitioner is also involved in three more cases.

I have heard the learned counsels for the parties.

The petitioner has already faced incarceration for about 2 years, i.e. 1 year and 11 months and the other co-accused who is stated to be at parity

with the petitioner, namely Sahil Kalra @ Gaggu has been extended the benefit of bail by a co-ordinate Bench of this Court vide Annexure P-3. As of date, no prosecution witness has been examined despite the fact that the challan was presented on 22.06.2021. Out of three cases against the petitioner, two cases pertain to Excise Act and one case pertains to 307 IPC.

In view of the aforesaid fact and circumstances especially considering the custody of the petitioner and the fact that no witness has been examined till date and the other co-accused who is at parity with the petitioner has been granted bail by a co-ordinate Bench of this Court, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

February 09, 2023

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No