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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-32580-2023

Date of Decision: 06.12.2023

Rohit Kumar @ Rohan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gautam Dutt, Advocate,
for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.11 dated 26.01.2022, under Sections 307, 326, 341, 323, 148 & 149 IPC, registered at Police Station Taragarh, District Pathankot.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 08.03.2022, which is almost 1 year and 9 months. He further submitted that the petitioner has clean antecedents and is not involved in any other case and the allegations against the petitioner and the other co-accused are that they have collectively caused injuries to the complainant. He also submitted that the role attributable to the petitioner as per the FIR was inflicting of *Datar* blow and as per the MLR, the injuries were on the leg and the finger which are non-vital part of the body. He further submitted that the petitioner has been falsely implicated in the present case and now the complainant has been examined-in-chief and after

his examination-in-chief, an application has been filed by the prosecution under Section 319 of the Cr.P.C. for summoning of the additional accused and in this way the trial of the case may take long time due to the pendency of the aforesaid application under Section 319 Cr.P.C. He submitted that the investigation qua the petitioner has already been completed and no recovery is to be effected from him and therefore, he may be considered for grant of regular bail.

3. On the other hand, Mr. H.S. Sitta, learned DAG, Punjab has stated that it is correct that the petitioner is in custody from 08.03.2022 and it is also correct that the complainant has now been examined-in-chief but thereafter, the prosecution has moved an application under Section 319 Cr.P.C. for summoning of the additional accused. So far as the antecedents of the petitioner are concerned, he submitted that it is also correct that the petitioner has clean antecedents and is not involved in any other case. He further submitted that it is a case of version and cross version.

4. I have heard the learned counsels for the parties.

5. As per the learned counsels for the parties, the petitioner has already faced incarceration for almost 1 year and 9 months and now the complainant has also been examined after number of adjournments being made and after his examination-in-chief, an application was moved by the prosecution under Section 319 Cr.P.C. which is still pending. The petitioner is stated to be having clean antecedents and is not involved in any other case and no recovery is to be effected from him. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or

may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case and also the fact that the trial of the case may take long time, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. 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 present petition.

06.12.2023.

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No