

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32370-2023

Date of decision : 14.12.2023

ROHIT

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.336 dated 21.03.2022 registered for the offences punishable under Sections 147, 148, 149, 285, 323, 341, 379-B, 427 and 506 IPC, 1860 and Section 25 of Arms Act, 1959 but during investigation Sections 307, 325 and 294 of IPC, 1860 has been added at Police Station Hisar Sadar, District Hisar.

2. As per the contents of the FIR, it has been alleged as under :

“xx I am resident of above mentioned address and is an agriculturist. On dated 18.03.2022 I was going to Hisar for my personal work in my vehicle Scorpio bearing registration number HR-76B-0026 and at that time vehicle was driven by Pawan and I was sitting beside him. When we are going towards Hisar from Village and when we turned towards Village BHP Colony, then in the front Rohit Balmiki, Sumit alias Simiti and his brother Anil alias Mota and their father name is Ramphal, Shubam who is maternal uncle of Sumit, Vishnu son of Ram Avtar resident of Garments Colony Mill Gate, Hisar and Vishnu's brother whose name I don't know and along with them Vishnu son of Sattu

resident of Satrod Khas and long with 15-20 boys were having rods, Gandasi, axe and Chand cycle which were on the rods were standing. That Amit and Rohit said today Gaurav should not be spared and we will teach them lesson for becoming witness. After saying this all of them came in front of the vehicle and then Pawan stopped the vehicle and he ran away on alighting from the vehicle due to fear. I and Yashdeep alias Yugal were sitting in the vehicle, then Sumit and his companions took us out from the vehicle and Sumit who was having axe in his hand had hit the same on my head and Rohit who was holding Chand in his hand had hit the same on my right arm and after that all of them caused injuries on my hands, legs, head, face and waist. My friend Yasdeep alias Yugal son of Hansraj Sharma was also given injuries by all of them with their respective weapons which they were holding in their hands and Smit snatched gold chain weighing 6 tollas from my neck and Rohit and Vishnu snatched away Rs. 25000/- and all of them damaged my vehicle with stones, rods and sticks and Anil was having pistol in his hand and to create fear he has fired in air and said that if anybody comes forward to rescue them, then he will be killed and after that we shouted mar diya mar diya and on listening to our voice my brother Happy and my father Rajpal came on the spot, then all the assailants ran away from spot with their respective weapons. The bone of contention was that around one year ago, Sumit and Rohit have caused knife injuries to Vishal alias Gayani son of Ram Kumar Saini who is from my village and on this a case under section 307 was lodged in Police Station Sadar Hisar and I was witness in the same and due to this reason they all caused injuries to me and my friend and snatched away gold and money from my pocket. Strict legal action be taken against all of them.xx”

3. Counsel for the petitioner submits that though the petitioner has been named in the FIR but injury attributed to him is on the right arm of the complainant which is non-vital part. The petitioner is behind bars for more than 1 year, 7 months and 28 days. The investigation stands concluded and thus custody of the petitioner cannot be prolonged as punitive measure.

4. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.
5. I have heard counsel for the parties and have gone through records of the case.
6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 14, 2023
Dpr

(Pankaj Jain)
Judge

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