

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

242

2023:PHHC:111082

CRM-M-40522-2023

Date of decision: August 24th, 2023

Rohit @ Lot

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shrey Goel, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.0003 dated 19.01.2023 under Sections 365, 341, 323, 324, 326, 427, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Daba, District Ludhiana.

Learned counsel for the petitioner, *inter alia*, contends that though the petitioner was named in the FIR in question, however, he had been attributed only a simple injury on the legs of the complainant. It has also been submitted that a false and exaggerated version having been brought forth is evident from the fact that though the occurrence took place in the evening on 18.01.2023, however, FIR in question was lodged after an inordinate delay of more than 24 hours. It has been submitted that injury inviting the mischief of Section 326 of the IPC has not been attributed to the petitioner but to co-accused Mohit and Rana, who were alleged to be armed with an iron *daat* and *khanda* respectively. Learned counsel has also apprised the Court that identically placed co-accused Gaurav Singh alias Gauri has since been extended the concession of bail by this Court vide order dated 08.08.2023 annexed as

Annexure P-3. A prayer has, therefore, been made to enlarge the petitioner on bail as challan stands presented, though charges have not yet been framed, which are likely to be framed on 29.08.2023.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the factual aspect qua the role played by the petitioner in the occurrence in question and the nature of injury attributed to him. He, on further instructions from ASI Jarnail Singh, has not disputed that investigation qua the petitioner is complete as challan stands presented. It has also been submitted that as many as 23 prosecution witnesses have been cited by the prosecution.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 22.05.2023. After the challan was presented, charges have not yet been framed. The trial would take considerable time to conclude since almost 23 prosecution witnesses have been cited.

In the facts and circumstances as enumerated hereinabove, coupled with the role and nature of injury attributed to the petitioner, this Court deems it fit to extend the concession of bail to the petitioner. The instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 24th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No