

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

**CRM-M-44665-2022
DECIDED ON: 02.06.2023**

ROHIT @ JHABBAR @ ROHIT CHAUHAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sunil Panwar, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 338, dated 12.10.2020 (initially registered under Sections 148, 149, 307, 325 and 341 of IPC, 1860 with Section 302 added and Sections 148, 149, 307 and 325 deleted later), now subsisting under Sections 302, 341 & 34 of IPC, 1860, registered at Police Station Khedki Daula, District Gurugram, Haryana.

Learned counsel for the petitioner has sought regular bail alleging that the identification was got conducted on 26.11.2022, which was merely an eye wash and without any legal sanctity, inasmuch as after the arrest of petitioner on 07.11.2020, the petitioner was shown to the complainant party and photos were also published in the local newspaper. In the light of the same, there is absolute absence of credible evidence connected the petitioner to the crime, wherein allegations are to the effect that 15 to 20 persons

inflicted injuries with the lathies as per the version in the FIR, which is a concoction at the hands of complainant, it is highly improbable to gather from the medico legal report that 15 to 20 people have given injuries on the person of the deceased, who was firstly taken to Medior Hospital, Manesar and thereafter, Fortis hospital Gurgaon, where he passed away unfortunately during the course of the treatment.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He states that the petitioner is a previous convict in an FIR under Section 174-A of IPC bearing No.89 of 2020, registered at Police Station City, Sohana, Gurgaon, but has been released on bail and in the other cases, which are pending against the petitioner, in three cases, he has been convicted and in other six cases, he is on bail during trial.

This Court is sanguine of the fact and the observations made in various cases time and again that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial to the concession of bail indefinitely.

In light of discussions made hereinabove, the petitioner thus deserves to be admitted to bail, who is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

02.06.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>