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

CRM-M-61579-2023
Date of decision : 20.12.2023

ROHIT KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

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.303 dated 8th of October, 2018 registered for the offences punishable under Sections 307, 353, 186, 34 IPC and Sections 25 & 27 of the Arms Act, at Police Station Division No.8, District Ludhiana (challan presented under Sections 307, 353, 333, 186/34, 411 IPC & Sections 25/27 of the Arms Act, 1959).

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Allegations against the petitioner as per FIR read as under :

“Stated that I am posted as constable with police department at police post DMC & H. Today, my duty roster was to check the suspects near park in front of DMC & H and for patrolling. Then

at about 10:15 AM, one boy aged about 30 years, who has worn a black *parna* on his head came on black coloured motor cycle, make Pulsar and the motor cycle was of without number plate and he parked the motorcycle in the adjacent street. I asked from him about the number plate and also asked for papers but he started making excuses. Then I clicked photograph of his motorcycle and asked his whereabouts, upon which he told his name as Rohit then he ran away. I followed him and caught him from his arm and tried to took him at police post for inquiry. Then that boy put out a pistol from his dab and fired a gun shot upon me with an intention to kill me and the same hit on my right thigh. Blood started oozing out and that boy fled away from the spot while leaving me there. One of his companions was also standing there. HC Jaswant Singh came at the spot and he admitted me at DMC&H for treatment. In this way Rohit attacked upon me with an intention to kill while I was on my duty. Action be taken. I have got recorded my statement, heard and the same is correct.xx”

4. Petitioner is behind bars and faced custody for more than 4 year 5 months and 7 days. Challan was presented on 18th of August, 2019. Till date charges have not been framed.

5. Bail plea is being opposed by counsel for the State submitting that there are serious allegations against the petitioner of having fired upon the police personnel and the petitioner is a habitual offender. The petitioner is not only prior convict but is facing more than 8 cases involving serious allegations.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view

the incarceration already suffered by the petitioner and the fact that the prosecution has not been able to even get the charges framed against the petitioner for last more than 4 years, 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.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 20, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No