



CRA-S-52-2024 (O&M)

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

(102+203)

CRA-S-52-2024 (O&M)
Date of decision:- 04.11.2024

Rohit Pannu**... Appellant****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Nitin Kadian, Advocate for
Mr. Yashveer Kharb, Advocate
for the applicant-appellant.

Mr. Aman Bahri, Addl. A.G., Haryana
for State-respondent No.1.

Mr. Pawan Kumar Hooda, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (ORAL)**CRM-43444-2024**

1. Application is allowed as prayed for.
2. Testimony of Ashish, PW-6, is taken on record as Annexure A-12.

Main case

3. Appellant is approaching this Court for the second time for setting aside impugned order dated 28.11.2023 passed by the learned Additional Sessions Judge, Panipat and for grant of regular bail in:-



FIR No.	Dated	Police Station	Sections
267	21.07.2023	Police Station Model Town Panipat, District Panipat	Sections 148, 149, 323, 364-A, 365, 367, 377, 379, 506 and 511, IPC, and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the SC&ST Act), however, later on Sections 3(1)(r) & (s) and 3 (2) (va) of the SC&ST Act were added and Sections 377, 379 and 511, IPC and Section 3(2)(v) of the SC&ST Act were deleted

2. Version of the prosecution is that FIR, Annexure A-1, has been registered on the statement of Mohit Kumar alleging that his brother, Rahul, had been abducted and a telephonic call was received from Rohit Pannu (present appellant) demanding a ransom of Rs.80,000/- for his release. After the complainant informed the police on the helpline, Rahul and his friend were recovered from the custody of Rohit Pannu. They revealed that they had been abducted and were assaulted by Rohit Pannu and some of his friends, who video recorded the incident on their mobile. Allegation was also levelled against the accused of snatching Rs.80,000/- as also a Metro Rickshaw.

3. Counsel for the appellant submits that the appellant has been falsely implicated and the prosecution story is highly improbable. He submits that after the previous appeal seeking grant of regular bail was withdrawn from this Court on 20.12.2023, Annexure P-5, all the prosecution witnesses have been examined. By referring to the testimony, Annexure A-12, he asserts that Ashish has not supported the case of the prosecution. Counsel submits that as per the custody certificate, appellant is

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named as an accused in another FIR registered under Section 379-B, IPC, but he has been acquitted. He submits that as the appellant is in detention since 23.07.2023, he deserves to be released on bail.

4. State counsel has filed status report by way of an affidavit of Deputy Superintendent of Police, HQ, Panipat, which is taken on record. He is supported by counsel for the complainant-respondent. State counsel submits that the complainant as well as victim, Rahul, have identified the accused-appellant and have supported the allegation levelled in the FIR. It has been submitted that Ashish, PW-6, is a juvenile and the possibility of his being influenced by the accused cannot be ruled out. Upon specific instructions, State counsel submits that 6 out of 30 prosecution witnesses have been examined. He has also filed Custody Certificate dated 30.10.2024, which is taken on record.

5. I have heard counsel for the parties and considered their respective submissions.

6. It cannot be disputed that all the vital prosecution witnesses have been examined and the appellant is in detention for the last more than 15 months. The allegation levelled against the appellant would remain subject matter of debate before the Trial Court and would be determined on the basis of the ocular and documentary evidence produced by the prosecution. Although, the State counsel is not in a position to ascertain as to whether the appellant has been acquitted in the second FIR, but considering the period of detention, stage of trial and the nature of allegations levelled



against the appellant, this Court is inclined to accept the prayer made in the appeal.

7. Without commenting upon the merits or demerits of the arguments addressed by counsel for the parties, appeal is allowed and impugned order is set aside. Appellant is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

04.11.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No