

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109 CRM-M-9099-2024
Date of Decision : April 02, 2024

ROHIT -PETITIONER

V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Shweta Bawa, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.185 dated 02.07.2023, under Section(s) 323, 324, 341 and 506 read with Section 34 of the IPC (Section 307 of the IPC added subsequently), registered at P.S. Siwani, Bhiwani.
2. Succinctly stated, the allegation(s) against the petitioner is that he along with his co-accused caused injuries with knife to one Sombir (hereinafter referred to as the 'complainant/sole injured'). The relevant extract of the statement of complainant/sole injured, which constituted the bedrock for registration of the present FIR and which is narrated in paragraph No.3 of the order dated 13.02.2024, whereby the learned Additional Sessions Judge concerned has declined to grant bail to the petitioner, is extracted hereinafter:-

“Facts of present case, in brief, are that the said case was registered on the basis of statement of Sombir son of Satbir, resident of Siwani alleging therein that on 30.06.2023 Deepak made a phone

call to him and said to come at Hisar Turning Point at Siwani as he was having visiting terms with Deepak. Thereafter, he went from Old Bus Stand, Siwani and reached at Hisar Turning Point at Siwani where applicant/accused Rohit and Gurmit were already present. applicant/accused Rohit gave slap and kick blows to him. He fell down and then applicant/accused Rohit and Gurmit attacked upon him with knife. Thereafter, applicant/accused Rohit asked his friend to make a video. They all attacked upon the complainant with an intention to kill him. Nobody rescued the complainant and the assailants threatened to kill him while place of occurrence. In the meanwhile, complainant became unconscious and was taken to Government Hospital, Siwani from where he was referred to Government Hospital, Bhiwani and his family members took him to Chudamani Hospital, Hisar for better treatment. He was not fit to make his statement for two days.”

3. The learned counsel for the petitioner, in her asking for grant of the relief (supra), has made huge dependence upon the deposition of PW1 Sombir (complainant/sole injured), as recorded before the learned trial Court concerned on 27.03.2024, inasmuch as, therein he has not supported the case of the prosecution, rather has turned hostile. To substantiate her above made argument, she has placed on record a copy of deposition of PW1 Sombir (complainant/sole injured), which is taken on record as Mark A. Registry of this Court is directed to attach the deposition (supra)/Mark A at an appropriate place in the paper book of the instant petition.

4. The learned State counsel has placed on record the custody certificate of the petitioner, as issued by the Deputy Superintendent of District Prison, Bhiwani. A perusal of the custody certificate (supra) reveals that the petitioner has undergone incarceration of approx. 8 months. It further reveals that the petitioner is not involved in any other criminal case.

5. This Court has perused the deposition made by PW1 Sombir

(complainant/sole injured), wherefrom it transpires that he has not supported the case of the prosecution against the petitioner and his co-accused, rather has exonerated them, by turning hostile.

6. In view of the above, especially: (i) the complainant/sole injured making an exculpatory deposition *qua* the petitioner; (ii) the period of incarceration suffered by the petitioner, (iii) the clean past antecedents of the petitioner; and (iv) there being no likelihood of the trial concluding anytime soon, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 02, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No