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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13137-2024
Date of Decision:- 17.12.2024

Rohit Singh alias Bhola ...Petitioner

Vs.

State of Punjab ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Charanpuneet Singh, Advocate
for the petitioner. (*through Video Conferencing*)

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Rohit Singh alias Bhola has filed petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No. 175 dated 28.07.2022, under Section 302, 34 of IPC, registered at Police Station City South, Moga, District Moga.
2. Facts of the case are Iqbal Singh - complainant gave his statement that he is an agriculturalist by profession. On 28.07.2022, he had gone to Moga on his motorcycle. He was returning to his village through city and on the way, he met his uncle Buta Singh son of Jora Singh, who was earlier serving in Army. After retirement, he was D.P. Master in D.N. Sadel School, Moga. Said Buta Singh was riding Activa bearing registration No. PB-29-T-3343 and at about 2:30 p.m., when they reached near Budh Singh Wala on the road leading towards Tarewala village, white



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coloured car came and hit Activa of Buta Singh. Complainant stopped his motorcycle. From the said car, Harpreet Singh alias Happy son of Buta Singh and 3-4 unknown persons alighted who were armed with *Kappa*. Buta Singh ran away from there and on this Harpreet Singh alias Happy gave *Kappa* blow on the backside of the head of Buta Singh. Other unknown persons also gave beatings to Buta Singh. Complainant was also threatened but managed to leave the spot on his motorcycle. On reaching village, he disclosed about the occurrence to respectables. He along with Nirbhay Singh reached the spot where many persons had already collected and Buta Singh was already shifted to Civil Hospital, Moga, who ultimately succumbed to injuries. Reason behind this occurrence was that Buta Singh had taken divorce from his wife Paramjit Kaur about two years ago. His daughter Satinderpreet Kaur had gone to Canada, whereas Harpreet Singh was residing with his mother. Said Harpreet Singh was an addict and Buta Singh did not want to transfer his land in favour of his son. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that petitioner Rohit Singh alias Bhola was arrested by police on 31.07.2022. After completion of investigation, Challan has been presented. Charge sheet was framed on 07.01.2023. Present petitioner is not attributed any specific role. Allegations against him are false. His regular bail application was wrongly declined by learned Additional Sessions Judge, Moga vide order dated 16.01.2024 (Annexure P-4). He will abide by terms and conditions of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Status report has been filed confirming the factual position. It is pointed out that allegations are serious. Therefore, considering the gravity of offence, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. In the case in hand, Challan was presented on 27.10.2022 and charges were framed on 07.01.2023. As per report received from the trial Court, prosecution has already examined six witnesses including complainant Iqbal Singh PW1, Nirbhai Singh PW2, Sukhchain Singh PW3, Baljit Singh PW4, Harwinder Kumar alias Vicky PW5 and Dr. Rupali Sethi PW6. Except Dr. Rupali Sethi PW6, other witnesses referred above did not support prosecution case and were declared hostile. Rest of the prosecution evidence is yet to be recorded. Case is to be decided on merits after appreciating entire evidence before the trial Court. Therefore, without expressing my mind on the merits of the case, regular bail petition filed by petitioner Rohit Singh alias Bhola is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

17.12.2024
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No