



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

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CRM-M-17344-2024
Decided on : 29.07.2024

ROHTASH

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Dr. Malvika Singh , Advocate
for the petitioner(s).

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Yoginder Rana, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.141 dated 27.05.2023 under Sections 307 (deleted later), 34(deleted later), 302(added later on), 120-B(added later on), 201(added later on), 506 of IPC AND Section 25 of Arms Act (deleted later) registered at Police Station Mundkati, District Palwal.

2. Learned counsel for the petitioner submits that as per the allegations made in the FIR, on 26.05.2023, the deceased Rajendra, who is uncle of the complainant-Jawahar was standing near the Baithak of Ex Sarpanch Girraj in the market of Aurangabad. The petitioner along with Pushpendra at around 9/9:15 pm (who are the complainant's cousins) came to Rajendra and Pushpendra who was having an illegal weapon in his hand shot at the complainant's uncle Rajendra, with the illegal weapon in his hand with the intention of killing him. Allegedly Pushpendra and petitioner-Rohtash threatened to kill him.



3. Learned counsel for the petitioner further contends that it is evident from the FIR that co-accused Pushpendra is the main accused who fired the shot and no injury is attributed to the petitioner. The petitioner is a man of clean antecedents and has undergone an actual custody of 01 year, 01 month and 28 days and there is no other case pending against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed status report dated 24.07.2024 and custody certificate dated 26.07.2024 in Court today, which are taken on record. As per the custody certificate, the petitioner has undergone actual custody of 01 year, 01 month and 28 days. He further on instructions from the concerned investigation officer submits that charges were framed on 20.10.2023 and out of a total of 28 prosecution witnesses, 21 have already been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Learned counsel for the complainant has also vehemently opposed the submissions and submits that the recovery of motorcycle was effected from the petitioner.

6. Heard.

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed and out of 28 witnesses, 21 have already been examined. The petitioner has undergone actual custody of 01 year, 01 month and 28 days and he is not involved in any other criminal case. The fatal shot has been attributed to co-accused Pushpendra and only allegations alleged qua the petitioner are that he threatened the deceased and no injury has been attributed to the petitioner.



8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

July,29 2024
Kavita Nain

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