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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18053-2024

Date of Decision: 19.04.2024

Rohit alias Joni alias Rohit Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram :

Hon’ble Mr. Justice N.S.Shekhawat

Present :

Mr. Vishwajeet, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Ms. Molly Tarunima Tagore, Advocate for
Mr. Rishi Nijhawan, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1.
- The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.179 dated 09.09.2023 registered under Sections 148, 149, 323, 324, 506 of IPC and Sections 325, 326 added later on, at Police Station Guhla, District Kaithal.
2.
- Learned counsel for the petitioner contends that the complainant had got the FIR registered after a delay of about 24 hours. He further contends that in the present case, the petitioner had allegedly caused a blow with a gandasi on the forehead, above left eye of Karan Kapoor, injured. He further contends that the petitioner was arrested in the present case on 03.02.2024 and the final report under Section 173 Cr.P.C. has already been presented against him. He next contends that the injured has already been discharged long ago.

While referring to the order dated 05.04.2024, passed by this Court in CRM-M-15625-2024 (Annexure P-3), learned counsel contends that similarly placed co-accused Munish Kumar alias Rinka has already been admitted to bail by this Court.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant, have vehemently opposed the submissions made by learned counsel for the petitioner. Learned State counsel submits that two more cases of similar nature have ordered to be registered against the petitioner. However, she admits that he is on bail in both the cases.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 03.02.2024, but after completion of the investigation, the final report under Section 173 Cr.P.C. has already been presented against him. The injured has already been discharged from the hospital. No doubt, two more cases were registered against the petitioner, but the petitioner is stated to be on bail in both the cases. Thus, no purpose will be served by keeping the petitioner behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) 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 to disclose such facts to the Court or to any other authority.

- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

19.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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