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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20143-2024

Date of Decision:- 23.07.2024

Rohit Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amitabh Tewari, Advocate
for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

Mr. P.S. Paul, Advocate
for the complainant.

AMARJOT BHATTI, J.

1. Petitioner Rohit Kumar has filed petition under Section 439 of Cr.P.C. for grant of *interim* bail for a period of four weeks in FIR No. 140 dated 31.10.2023 (Annexure P-1), under Sections 302, 307, 450, 506, 148, 149, 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Nurpurbedi, District Rupnagar.

2. Learned counsel for petitioner pointed out that in this case, challan has been presented. Petitioner is in judicial custody. Wife of petitioner namely Kiran Devi has been diagnosed with problem of stone in gall bladder and surgery is advised. Even after operation, she needs bed rest. He has placed on record copy of ultrasound report, Annexure P-2. Medical prescription slip of SDH Shri Anandpur Sahib Civil Hospital is Annexure P-5 where surgery is specifically advised. His application for *interim* bail has been dismissed by Sessions Court, Rupnagar. Copy of



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order is Annexure P-4. Present application for *interim* bail has been filed on compassionate ground. He is the only person in family to look after his wife and two minor children. Therefore, he may be granted *interim* bail for a period of four weeks to look after his wife and to make necessary arrangements for the said operation.

3. Notice was given to respondent-State of Punjab. Status report has been filed. As per status report, State has verified ailment of Kiran Devi wife of petitioner Rohit Kumar from Dr. Sandeep Mavi, Medical Officer, Civil Hospital, Rupnagar and according to that report (Annexure R-1), she is having multiple small follicles in her left and right ovaries and for removing the same surgery is required. However, it is verified that present petitioner is having mother, sister, cousins, uncle and aunt, as detailed in para No. 4 of status report who can look after wife of present petitioner. It is further submitted that challan has been presented against petitioner Rohit Kumar and co-accused. Learned counsel for complainant opposed the *interim* bail of present petitioner along with learned counsel representing the State by taking stand that till date father of present petitioner has not been arrested. Therefore, there is likelihood that present petitioner would also run from justice and may try to pressurize prime witnesses residing in same vicinity where his house is situated. On this ground, *interim* bail petition filed by petitioner is opposed by learned counsel representing the State.

4. I have considered the arguments and have gone through the record. Present petitioner Rohit Kumar is facing trial in FIR No. 140 dated 31.10.2023, under Sections 302, 307, 450, 506, 148, 149, 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police



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Station Nurpurbedi, District Rupnagar. Copy of FIR is Annexure P-1. As per facts narrated therein, on 30.10.2023, complainant Raj Kumar was present in his house along with family and at about 10:00 PM, Hari Ram @Chuhru, Jaswant Singh @Bantu, Neeraj Kumar, Rohit Kumar, Pampa, Lovely, Dharampal along with 10-15 other persons came to their house. Ravi was armed with revolver, whereas, Rohit Kumar present petitioner who was also armed with revolver started firing. In this occurrence, Karam Chand and Geeta Devi succumbed to fire injuries, whereas, Sandeep Kumar was referred to PGI, Chandigarh for treatment. It is matter of record that challan has been presented and trial is at initial stage. Petitioner has placed on record ultrasound report of his wife, Annexure P-2 and OPD slip of Civil Hospital, Shri Anandpur Sahib, Annexure P-3, where surgery has been advised. This fact is also confirmed in status report. So far as ailment of wife of petitioner is concerned, that is not disputed but the nature of offence and manner it was committed, same cannot be ignored. Both parties are residing in same vicinity. Even otherwise, it has come in status report that there are other family members of petitioner who are able to take care of his wife and two minor children. Therefore, considering the totality of facts and circumstances of case, I do not find a fit case for grant of *interim* bail to petitioner Rohit Kumar and petition filed by him is accordingly, dismissed.

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

23.07.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No