



CRM-M-24545-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-24545-2024

Date of Decision : May 28, 2024

SOHIT @ RANCHO

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent : Mr. Shivansh Malik, Advocate
for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.820 dated 30.12.2023, under Sections 323, 324, 34 IPC (during the course of investigation, Sections 506 and 326 IPC, have been added), registered at Police Station Shivaji Colony, Rohtak.

2. The instant FIR, has been registered on the application made by the Superintendent, District Jail, Sunaria, wherein, he informed that some of the jail inmates have opened attack on Rahul @ Baba on 29.12.2023. The petitioner was named in the FIR (supra), as one of the assailants. The relevant extract of the FIR reads as under:-

“On 29/12/2023, a complaint was received from the Jail Department, Sunaria, from Superintendent District Jail, Rohtak. To, Station Officer, Police Station Shivaji Colony Rohtak. Complaint Number 9508 Dated

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29.12.2023 Regarding taking legal action against the prisoners, you are informed that the prisoner Rahul alias Baba, resident of Hanuman Colony, is currently confined in this jail. On 29.12.2023 at 04.45. pm, when the above-mentioned confined prisoner was coming towards the jail canteen, at the same time other prisoners confined in the jail namely 1. Bhagat Singh alias Bhagta s/o Subhash, resident of Kiloj Khas, Rohtak 2. Sohit alias Rancho s/o Balwan, resident of Mokhra, Rohtak 3. Arun alias Bholu s/o Atar Singh, resident of Chhara, Jhajjar and 4. Vikrant son of Sudesh, resident of Mokhra Khas, Rohtak together attacked the above- mentioned confined prisoner Rahul alias Baba son of Jagdish with a sharp- edge like object, in which the prisoner Rahul alias Baba, son of Jagdish was injured on his waist, head and face. The jail administration separated the prisoners with great difficulty and the above injured prisoner Rahul alias Baba was admitted to the jail hospital for first aid and other confined prisoners were kept in the security ward. Therefore, you are requested to inform about the confined prisoners Bhagat Singh alias Bhagta son of Subhash, resident of Kiloj Khas Rohtak, prisoner Sohit alias Rancho son of Balwan, resident of Mokhra Rohtak, prisoner Arun alias Bholu son of Atar Singh, resident of Chhara, Jhajjar and prisoner Vikrant son of Sudesh, resident of Mokhra Khas, Rohtak. Please take appropriate action against.”

3. Learned counsel for the petitioner in the asking for the relief (supra), submits that there is no specific injury attributed to the present petitioner and furthermore two other co-accused have already been extended the benefit of regular bail by the learned trial Court concerned. In this regard, he has placed reliance upon Annexures P-7 and P-8. He further submits that the petitioner has suffered incarceration of 4 months



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and 10 days and all the offences are triable by the learned Judicial Magistrate 1st Class concerned.

4. Learned State counsel has vociferously opposed the grant of regular bail to the petitioner and submits that the petitioner is a habitual offender and even though he is confined in the jail, he has audacity to open attack upon the co-prisoner. He further submits that the recovery of bodkin and blade have been effected from the present petitioner, which goes to establish that he is involved in the instant FIR.

5. This Court has heard the submissions, as made by the learned counsel for the parties concerned.

6. In the instant FIR, there is no specific attribution to the present petitioner, being confined presently in jail, though he is stated to be involved in causing injuries alongwith other co-accused to his co-prisoner. The statement of victim-Rahul @ Baba was recorded on 29.12.2023 and in the statement, there is no specific injury attributed to the present petitioner. Further, the learned State counsel on instructions imparted to him by the official concerned, submits that the final report has already been filed but the charges have not been framed.

7. Considering the fact that the co-accused, who are on same pedestal, have been granted regular bail by the learned trial Court concerned, therefore, simply because the petitioner is involved in other cases as well, he cannot be kept in custody/prison for an indefinite period.

8. In view of the above discussion and considering the fact that the petitioner has suffered incarceration of 4 months and 10 days as on

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today and no specific injury has been attributed to him and the fact that the trial is at initial stage and all the offences are triable by the learned Judicial Magistrate 1st Class, concerned, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

9. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. 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.

11. It is further made clear that in case the petitioner is found indulging in similar kind of offences, the State is at liberty to seek cancellation of the regular bail granted by this Court.

May 28, 2024
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(KULDEEP TIWARI)
JUDGE

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