



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M No.29189 of 2023
Date of decision: 05.08.2024

ROHIT
STATE OF HARYANA

.... Petitioner
Versus
.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Ms. Rohini Bedi, Advocate for the petitioner.
Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioner for grant of regular bail in case arising out of FIR No.73 dated 06.03.2022 registered under Sections 307, 34 and 506 of IPC and Section 25(1) (1B) (a) of Arms Act, At Police Station Bhondsi, District Gurugram.
2. The brief facts of the case relevant for the purpose of the disposal of the present petition are that the aforementioned FIR was registered on the allegations that on 05.03.2022, on receipt of a telephonic information regarding a firing incident having taken place at Village Alipur, a Police party headed by ASI Ahmed Azim rushed at the spot wherein, a written complaint was submitted by the complainant-Ombir to the effect that on the same day, at about 10:30 p.m. he was present in a plot situated near his house along with his neighbour Harsh, when two youths reached there and started asking him about whereabouts of Ombir i.e. himself. The complainant told them that Ombir was not there. At this, one of those two youths, told him to inform Ombir that Rohit from Farukhnagar Kheda had visited his house. Thereafter, while kicking the door of his house, they went back while firing shots with a pistol in the street and while proclaiming that they will kill Ombir. By alleging that he did not



know those youths, he prayed for taking action in the matter. On the basis of his complaint, FIR was registered. Four empty shells and one live cartridge was recovered. Then on 01.04.2022, the complainant filed another written complaint submitting therein that in fact on 05.03.2022, one of the two youths who had visited his house, had identified him and had started firing indiscriminately on him with intention to kill him but he hid himself inside his house and narrowly escaped being shot. He also disclosed that if he would not have concealed his identity, he would have been killed by those youths. On this complaint, offence under Section 285 was deleted and offences under Section 307 of IPC and Section 27 of Arms Act were added. Investigation proceedings were initiated. During the course of the investigation, the petitioner and co-accused who were arrested in other cases suffered disclosure statements admitting their involvement in this case on the basis of which their presence was secured by issuing production warrants and they were joined into the investigation of this case on 16.04.2022. The petitioner and co-accused suffered disclosure statements in this case as well and demarcated the place of occurrence. The investigation has since been completed and the petitioner along with the co-accused is facing trial for commission of offences punishable under Sections 307, 506 and 120-B of IPC read with Section 34 of IPC and Section 27 (1) of Arms Act. He had moved an application for grant of regular bail which has been dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 18.04.2023.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. Trial of the present case is likely to take time as out of 29 witnesses only 4 witnesses have



been examined so far. He has not misused the concession of interim bail granted to him on 03.07.2022, therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner. He is involved in many other criminal cases. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length.

6. The petitioner along with co-accused is alleged to have made an attempt to kill the complainant on 05.03.2022 by firing shots upon him with pistol. He was taken into custody in this case on 16.04.2022 and was released on interim bail on 06.07.2023. The trial has commenced and is likely to take time. It is not the version of the respondent-State that he has misused the concession of interim bail granted to him. As such, I am of the opinion that no useful purpose would be served by detaining him in custody.

7. Keeping in view the discussion as made above but without meaning to make any comments upon the merits of the case, this petition is allowed and order dated 03.07.2023 whereby, interim bail was granted to the petitioner is confirmed subject to the petitioner furnishing personal and surety bonds to the satisfaction of the trial Court if the same are not furnished so far.

8. A copy of this order be sent to the concerned Court.

(MANISHA BATRA)
JUDGE

05.08.2024
Jyoti-IV

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