



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

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CRM-M-38623-2024

Date of Decision:- 05.12.2024

Rotash Gill

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Jaswinder Singh Rana, Advocate for
Mr. Deepak Arora, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner – Rotash Gill has filed present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No.40 dated 30.07.2023, under Sections 302, 120-B, 148, 149 of IPC, 1860, registered at Police Station GRP Pathankot.

2. As per facts of the case, complainant Sonia gave her statement that on 29.07.2023 at about 9:00 AM, her son Aryan aged 18 years student of 10+2 was sleeping in the house. His friend Raman came to the house and took away her son Aryan along with him. Aryan did not want to accompany him but even then he took him along with him. After half an hour, there was talk in the village that Aryan was inflicted injuries with sharp edged weapon by some unidentified persons near railway line. On hearing this, she rushed to the spot and saw 4-5 unidentified persons inflicting injuries on the person of her son and Raman was standing near them. On raising hue and cry, said

unidentified persons ran away from the spot on two motorcycles. On seeing the condition of her son, she also became unconscious. Her son was taken to Civil Hospital, Batala and then shifted to Guru Nanak Hospital, Amritsar where he succumbed to the injuries during treatment at about 5:30 PM. Reason behind this occurrence was about two years ago her son Aryan was friendly with a girl namely Pihu daughter of Pastor Pawandeep Kaur. Because of this reason Pastor Pawandeep Kaur, her maternal uncle's son Sekhu had threatened Aryan several times and finally they got him killed. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that present petitioner Rotash Gill is not named in the FIR. He is not named even by the eye witness. No recovery is effected from him. He was falsely named by co-accused Aniket. Petitioner is behind the bars since 04.08.2023. He will abide by the terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. Motive behind the occurrence is clear from the statement of complainant. Aryan was called from the house at the instance of Sekhu who is son of maternal uncle of Pastor Pawandeep Kaur. Aryan was attacked by Sekhu, Raman and 4-5 unidentified persons. Raman was arrested on 30.07.2023, Sekhu was arrested on 18.09.2023. During investigation, statement of Des Masih, uncle of deceased was recorded, who has narrated about the alleged occurrence. On the statement of Des Masih, Aniket, Anosh Gill, Amitvir (juvenile), Raman Targotra @ Motian Sewian (juvenile) and Gurpreet Singh @ Gopy (juvenile) were arrayed as accused.



Aforesaid accused persons, further named the present petitioner who accompanied them at the time of commission of offence. Therefore, considering the specific attribution, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the status report. Present petitioner was joined in investigation and his disclosure statement was recorded, on the basis of which motorcycle No.PB-06-AW-0588 make Splendor was recovered. During investigation, he was identified by Des Masih. After completion of investigation challan report was prepared on 01.11.2023 and charges were framed on 17.05.2024. Statement of prosecution witnesses are yet to be recorded. Therefore, trial is at initial stage. There is a possibility that petitioner may try to influence the witnesses. Considering the gravity of offence and aforesaid factual position, at this stage, I do not find it appropriate to release the petitioner on regular bail. Accordingly regular bail petition filed by petitioner is declined.

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

05.12.2024

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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