

CRM-M-44723-2023 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(211) CRM-M-44723-2023
Date of decision:- 08.01.2024

Rohin Kumar Lahoria @ Rohin Kumar ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikasdeep Singh, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. This is the second petition filed under Section 439, Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
134	06.07.2023	Sultanpur Lodhi, District Kapurthala	323, 324, 307, 506 and 34, IPC (later on Sections 325 and 326, IPC were added)

2. FIR, Annexure P-1, has been registered on the statement of Harjit Singh alleging that on 05.06.2023 when he had gone to the market on his motorcycle, a *Thar* vehicle bearing registration No.PB-09-8055 with three occupants came from the opposite side and hit his motorcycle. The vehicle was being driven by Rohin Kumar Lahoria, present petitioner, and his

brother, Robin Kumar Lahoria, as also, Harbhej Singh alias Bheja, were sitting in the vehicle with him. An altercation ensued and Robin Kumar Lahoria instigated the co-accused to attack the petitioner and petitioner inflicted injuries on his head with a *kirch*. On raising an alarm, the assailants fled from the spot.

3. Counsel for the petitioner submits that the first petition, preferred by the petitioner, was withdrawn from this Court vide order dated 25.08.2023, Annexure P-3, with liberty to file a fresh one as there were typographical errors in the petition. By making a reference to the injuries, allegedly suffered by the complainant, as detailed in para 5 of the petition, he contends that the injuries alleged to have been inflicted are with a blunt weapon and although one of the injury has been declared to be grievous, but the essential element of intention to kill is lacking and offence under Section 307, IPC is not made out. He submits that investigation is complete, petitioner is the sole accused, challan has been presented and charge has been framed against him.

4. *Per contra*, State counsel, upon instructions from ASI, Harish Kumar, has opposed the petition and has submitted that the petitioner has been named in the FIR and injuries have been attributed to him. She has filed Custody Certificate dated 07.01.2024, which is taken on record and could not dispute that the petitioner has clean antecedents. As per specific instructions received by her from ASI, Harish Kumar, she submits that the complainant has unfortunately expired in a road accident. She submits that none out of seventeen prosecution witnesses have been examined.

5. Having heard counsel for the parties and considering their respective submissions, this Court is prima facie of the view that the petitioner deserves to be enlarged on bail. As to whether offence under Section 307, IPC is made out, would be a matter of adjudication before the Trial Court. That the petitioner has clean antecedents, investigation qua him is complete and he is in custody for the last more than six months are some of the factors, which weigh in his favour.
6. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
7. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

08.01.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No