

222(A) **2024:PHHC:039489**
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM-M-47820-2022(O&M)
Date of Decision: 19.03.2024

ROHIT GORIA @ KAKI

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J.

CRM-5017-2024

Dismissed as withdrawn having been infructuous.

CRM-M-47820-2022

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.06 dated 05.01.2021 registered for the offences punishable under Sections 302 of IPC and Section 25 & 27 of Arms Act, 1959 (Section 148/149/120-B/427 of IPC added later on) at Police Station City Ferozepur, District Ferozepur.

2. Counsel for the petitioner submits that FIR in the present case was registered against unknown persons who indiscriminately fired at the car driven by deceased-Chetan and his wife namely Drishti was also travelling in the said car and due to aforesaid firing, Chetan died. He further submits that earlier some of the co-accused faced trial but were acquitted by the trial Court vide judgment dated 05.07.2023 (Annexure

P-3) which is available on the file of connected matter having CRM-M-514-2024, as the material witnesses failed to support the case of prosecution. He further submits that later on petitioner was arrested in the present case on 18.05.2022 but nothing incriminating was recovered from his possession. That police presented supplementary challan against the present petitioner and thereafter charges were framed and during trial wife of deceased namely Drishti and her brother-in-law-Chandan failed to support the case of prosecution while appearing in the witness box. Counsel for the petitioner further submits that in the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

3. Present petition is contested by the State counsel, who submits that the petitioner was involved in indiscriminate firing which resulted in death of Chetan. It is further submitted that during investigation name of the petitioner figured and later on he was arrested on 18.05.2022. However, the State counsel has not disputed the fact regarding passing of judgment dated 05.07.2023(Annexure P-3) whereby the co-accused who faced trial were acquitted by the trial Court. The State counsel has also not disputed the fact that after the framing of charges against the petitioner trial has commenced and material witnesses Drishti and Chandan failed to support the case of prosecution against the petitioner while appearing in the witness box.

4. I have considered the submissions made by the counsel for the parties.

5. As per judgment dated 05.07.2023(Annexure P-3), it is evident that other co-accused who faced trial were acquitted by the trial

facing trial wherein also complainant-Drishti and her brother-in-law-Chandan were declared hostile. It will take considerable time for the trial to conclude. So, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.03.2024

Priyanka Thakur

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

(KARAMJIT SINGH)
JUDGE