



CRM-M-52811-2024

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

(235)

CRM-M-52811-2024

Date of Decision : 28.10.2024

Rohit Kumar @ Rocky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kulwant Singh, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 483 of BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No.217 dated 06.11.2022 (Annexure P-1), under Section 308, 323, 325, 506, 148 and 149 of the IPC, 1860, registered at Police Station Dhaka, District Ludhiana, Punjab.

2. On asking for the relief (supra), learned counsel for the petitioner submits that the petitioner has suffered incarceration of more than 07 months, as on today. He further submits though the petitioner is stated to be involved in two other cases, but he is on bail in those cases. He also submits that, out of total seven accused in the instant FIR, six have already been extended the relief of regular bail, by this Court. Learned counsel for the petitioner has further placed reliance upon the order dated 13.09.2024, passed by this Court, wherein, the co-accused Jagsir Singh @ Raju, has been extended the relief of regular bail, by this Court, vide CRM-M-44654-2024



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to submit that the case of the present petitioner is on co-equal pedestal, with the accused in that case.

3. Learned counsel for the petitioner in addition, submits that as per the FIR (supra), the injury attributed to the present petitioner is that, he gave a baseball bat blow on the right leg of the complainant, however, the same is not supported by the MLR, therefore, there is inherent contradictions between the ocular testimony, as well as the medical evidence.

4. On the other hand, learned State counsel, on instructions imparted to him ASI Inderjit Singh, has opposed the grant of relief of regular bail to the petitioner, and submits that, petitioner is the one, who was present at the place of occurrence, with a baseball bat, and thereupon, he caused the injury on the right leg of the complainant. He further submits that Harpreet Singh suffered nine injuries, whereas, Gurdeep Singh, suffered five injuries, and all are grievous in nature.

5. Learned State counsel has also placed on record the custody certificate dated 27.10.2024, qua the petitioner, today in the Court. The same is taken on record. He further submits though the charges have been framed, but no prosecution witness has been examined, as on date, out of total 22 prosecution witnesses, as cited by the prosecution in the final report.

6. This Court has heard the rival submission of learned counsel for the parties concerned, and is of the view that the instant petition is amenable to be allowed for the reasons extracted hereinafter :-

(i) that the petitioner has suffered incarceration of about 07 months and 11 days, as on today;

(ii) that the co-accused Jagsir Singh @ Raju, has already been extended the relief of regular bail, by this Court, vide CRM-M-44654-2024;



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(iii) that the trial is yet to begin, in the instant FIR and conclusion thereof, would take a long time;

7. Though the petitioner is stated to be involved in two other cases, but he is on bail in those cases, therefore, further incarceration of the petitioner, in the instant case, is not warranted at all, at this stage, and this Court deems it fit and appropriate, to enlarge the petitioner on regular bail. Accordingly, the instant petition is **allowed**.

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

9. In case, the petitioner is found to be involved in such like offence, the State is at liberty to file an application for cancellation of the bail granted to the petitioner.

10. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

October 28, 2024
Manpreet

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