

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-61050-2023

Date of Decision:-09.01.2024

Rohit @ Shooter.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Japjit Singh Johal, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.102 dated 18.09.2023 under Sections 307, 323, 34 IPC registered at Police Station Haryana, District Hoshiarpur.

2. The present FIR came to be registered at the instance of Dilpreet Singh who stated that on 14.09.2023 while he was sitting in the college canteen 06 persons came to the spot. One of them whose name he came to know as Rohit @ Shooter (petitioner) gave a *datar* blow to him with an intention to kill him on his head. However, he put forward his arm to save himself and the blow struck his left arm. After that Rohit gave him multiple injuries with a *datar* on his head and each time he (complainant) put forward his arm and the blows kept landing at the same spot. One other boy pushed and manhandled him. On seeing other boys gathering at the spot, the assailants ran away.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a delay of 04 days in the registration of the FIR. The alleged occurrence took place on 14.09.2023 but the FIR came to be registered on 18.09.2023. As per the MLR of the injured/complainant there was only one injury on his person that to on a non vital part which was subsequently declared to be simple in nature and, therefore, no offence under Section 307 IPC was made out. As the petitioner was in custody since 18.09.2023, but after the conclusion of the investigation, none of the 19 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and, therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand has filed a short reply by way of affidavit of Mr. Talwinder Kumar, DSP, Sub Division Rural, District Hoshiarpur, which is taken on record. While referring to the said reply, he contends that the petitioner is a the main accused and had caused injuries on the person of the injured/complainant Dilpreet Singh. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He however concedes that the injury received by the Dilpreet Singh is simple in nature.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 18.09.2023 but none of the 19 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present

petition is allowed and the petitioner-**Rohit @ Shooter** son of Sh. Jai Pal is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

January 09, 2024

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>