

**234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.65134 of 2023 (O&M)****Date of decision : 09.01.2024**

Rohit Kumar @ Pinu

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******Present :- Mr. S.K.Kanojia, Advocate
for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

*********PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.84 dated 09.06.2023 registered under Sections 307/386/452/34 IPC and Sections 25-54-59 Arms Act (Sections 379/411 IPC added later on) at Police Station Balongi, Mohali.

2 FIR was registered on the information given by one Rohit Gupta @ Sonu s/o Brij Mohan Gupta alleging as under :-

“I am resident of above-mentioned address and I am owner of J.M.D. Store, which is a gift shop, situated in Village Jhampur, District SAS Nagar. I have five workers working in this gift shop. I opened the shop at 10 o'clock in the morning and closed the same at 9.00 in the evening. On dated 08.06.2023 at around 8.45 PM when I was preparing to close my gift shop and my workers are switching off the lights etc. and I was present on the counter, suddenly two clean shaven boys, who were aged around 23 to 25 years, entered my shop and one boy was holding knife in his hand and the other boy was having pistol in his hand. On entering the gift shop, the

fellow holding the pistol in his hand, fired upon me with intention to kill me. He fired three bullets on me and I in order to save my life, started running helter skelter. out of the three bullets, one bullet hit between my left ankle and heel. I raised noise of Maar Taa Maar Taa. Then they both the assailants while saying that pick up the phone call, whatever amount we ask for, will have to pay, and both the unknown assailants left the shop while threatening me and ran away on the motorcycle which was being driven by their third accomplice. In the meantime, people gathered there My friend Raju, who is running kiriyana shop, arranged for vehicle and took me for treatment at Govt. Hospital, Sector 16, Chandigarh. From where the doctor sahib gave me first aid and referred me to PGI Chandigarh for further treatment and I am under treatment at PGI Chandigarh. The cause of enmity is that the above-mentioned assailants had asked for money ransom, but I had not given them, due to which these assailants attacked me. I can identify them if brought in front of me. Kindly take legal action against all the three unidentified assailants.”

3 Manveer Singh @ Maveer Rana is stated to have suffered confessional statement while in police custody nominating the present petitioner. The said Manveer Singh @ Maveer Rana stands admitted to bail by this Court vide order dated CRM-M No.38086 of 2023 dated 04.01.2024 observing as under :-

*“4. Admittedly, no recovery has been made from the petitioner. The pistol alleged to have been used in the crime is stated to have been recovered from Deepak Kumar @ Deepu, Manish Saini @ Mani and Gaurav already stand admitted to regular bail in the orders passed by this Court in **CRM-M-56134-2023**, **CRM-M-59628-2023** and **CRM-M-50988-2023**, respectively.*

5. Keeping in view the incarceration already suffered by the petitioner and the nature of allegations against him and the evidence that has been collected by the investigating agency, the present petition is allowed. Petitioner is ordered to be released on regular

bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.”

4 Custody certificate has been filed. The same is taken on record.

5 Petitioner is behind bars since 03.07.2023. Challan stands presented.

6 Learned State counsel on instructions from Investigating Officer is not in a position to dispute the aforementioned factual assertions based on record.

7 I have heard learned counsel for the parties and have gone through the records of the case.

8 Without commenting on the merits of the case by granting parity with co-accused and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No