

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

CRM-M-17480-2015

Date of decision: 29.05.2015

Dinesh

... Petitioner

Vs.

State of Haryana and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Dr. Naresh Kaushik, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.233 dated 05.05.2015 under Sections 323, 452, 506 IPC, Sections 30, 54, 59 of Arms Act (which were added later on) and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar Bahadurgarh, District Jhajjar.

Notice to Advocate General, Haryana.

Mr. Ashish Yadav, Addl. AG, Haryana accepts notice.

Learned counsel for the petitioner submits that since the FIR was registered because of some communication gap, parties have arrived at an amicable settlement. Complainant appeared before the learned Addl. Sessions Judge, Jhajjar and made a statement in this regard, however, the same was not accepted by the learned Court. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions

S.I. Krishan Kumar, Police Station Sadar Bahadurgarh, District Jhajjar, submits that petitioner seems to be exerting his pressure even from inside the jail, because of which he is not entitled for the concession of bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after considering the facts and circumstances of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the peculiar fact situation of the case noticed hereinabove, petitioner has been found entitled for bail pending trial. It is so said because the complainant-respondent No.2 seems to have amicably settled the matter with the petitioner.

In view of the above and without commenting anything further in this regard, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jhajjar.

However, it is made clear that the complainant-respondent No.2 shall be at liberty to move the appropriate application for cancellation of bail of the petitioner, if the statement made on behalf of the petitioner is found to be factually incorrect.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

29.05.2015
vishnu