

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

Criminal Misc. No. M-3909 of 2016

Date of Decision:-11.02.2016

Monu Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Neeraj Gupta, Advocate
for the petitioner.

Ms. Shaveta Sanghi, AAG Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.585 dated 30.11.2014, under Sections 147, 148, 149, 323, 325 and 326 IPC (Section 307 IPC added later-on on the basis of submission of challan), registered at Police Station Khaidki Daula, Gurgaon.

The petitioner has earlier approached this Court for the relief of regular bail and vide order dated 24.9.2015 passed in CRM-M-24886 of 2015 titled 'Monu Yadav vs. State of Haryana', his

bail application was dismissed as withdrawn. The order dated 24.9.2015 passed in CRM-M-24886 of 2015 is reproduced as under :-

“Though learned counsel for the petitioner wishes to withdraw the present petition, he submits that the trial Court be directed to expedite the trial.

The petition is dismissed as withdrawn.

The trial Court shall expedite the trial and conclude the same preferably within three months. In case, the trial is not concluded within the aforesaid period, the petitioner shall be at liberty to move an application before the trial Court for grant of bail. It is made clear that this time limit has been fixed with a presumption that the petitioner shall not prolong the trial.”

Learned counsel for the petitioner contends that after passing of the aforesaid order and during the trial, the parties have compromised the matter and in support thereof he refers to affidavits of injured Harish son of Mam Raj, Mam Raj son of late Soram and complainant Bimla Devi wife of Mam Raj dated 22.1.2016 (Annexure P-4) (colly.). As per these affidavits in the FIR in question, compromise has been arrived at between the parties and the injured/complainant do not want to pursue the case any longer.

Learned State counsel on instructions from ASI Anil

Kumar states that apart from the fact that the petitioner himself is delaying the trial and to that effect he has moved an application under Section 311 Cr.P.C. for re-examination of witnesses i.e. PW2 Bimla Devi, PW3 Harish Kumar and PW4 Mam Raj. The injuries inflicted upon the injured were grievous in nature as the same were inflicted by a lathi, which was carrying iron on its head.

Heard.

Taking into consideration the fact that the trial is not going to be concluded in near future coupled with the fact that a compromise has been entered into between the parties and the changed circumstances, the petition is accepted. The petitioner shall be released on bail on his furnishing appropriate bail bonds to the satisfaction of the trial Court.

February 11, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE