

**Sr. No. 216
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M- 42527 of 2015 (O&M)

Date of Decision: 18.03.2016

Hemant @ Dabbu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. N.D.Achint, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.227 dated 19.07.2015, under Sections 323, 325, 307, 120-B, 506, 34 of Indian Penal Code, registered at Police Station Sector-18, District Gurgaon.

Counsel for the parties have been heard.

Briefly it may be noticed that the FIR was registered on the complaint of injured Amit Yadav in relation to an occurrence that took place on 06.07.2015 and in which he was allegedly assaulted by the present petitioner as also other co-accused.

There is a delay of almost 14 days in lodging the FIR.

Prosecution is relying upon a disclosure statement of the accused himself recorded on 25.08.2015 and a copy of which has been placed on record at Annexure P-2.

Without commenting as regards the evidentiary value of such disclosure statement yet in such statement the attribution is of

the petitioner having given kick blows on the chest of Amit Yadav.

Petitioner is in custody since 25.08.2015.

This Court has been apprised that investigation in the present case having been completed, challan was presented and even charges were framed on 05.01.2016.

Yet another relevant circumstance that would require notice is that at the initial stage of trial itself, a compromise is stated to have been entered into between the present petitioner and the injured Amit Yadav. On the strength of such compromise, a petition under Section 482 Cr.P.C. i.e. CRM No.M-6584 of 2016 has been filed before this Court seeking quashing of the FIR on the basis of compromise.

In view of the peculiar facts and circumstances noticed hereinabove and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurgaon.

Disposed of.

18.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**