

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

CRM-M No. 43368 of 2017

DATE OF DECISION :- December 14, 2017

Amit and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Ajay Ghangas, Advocate for the petitioners.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana

Mr. Vishal Yadav, Advocate for the complainant.

Learned counsel for the petitioners states that the matter has since been compromised between the parties. Learned counsel for the complainant concedes this fact, whereas learned State counsel on instructions from ASI Birender Singh states that the complainant had approached the Investigating Officer informing him regarding the compromise.

This petition for grant of regular bail has been filed by petitioners Amit and Ankit. Both of them are accused in F.I.R. No. 919 dated 20.10.2017 for offences under Sections 323, 394, 427, 452, 506, 148, 149 IPC registered with Police Station Model Town, Panipat.

Briefly stated the facts of the case as per the prosecution story are that on 19.10.2017 at about 9.00 P.M., Amit son of Omkar went to the house of complainant Rahul Kumar which is in his neighbourhood. At that time he was under influence of liquor and started abusing father of the complainant. When father of the complainant dissuaded him from doing so then Amit proclaimed that he was a criminal. Thereafter, Amit left. The complainant bolted the outer gate of his house. The complainant and his family members were preparing for Laxmi Pooja. In the meanwhile, on hearing of noise outside their house, they observed Amit along with six persons standing there armed with rods and Gandasa. Amit gave a rod blow on the head of father of the complainant, whereas Satish Pehlwan gave a rod blow on the head of brother of complainant. Gandhi gave a blow on the left hand of mother of complainant besides giving her pushes. Another boy gave an iron rod blow on the hand of the complainant. As a matter of fact, all the assailants gave beatings to the complainant and his family members with rods and Gandasa. Omkar gave brick blow to brother of the complainant. The assailants were saying that they would not spare the complainant and his family.

Police was informed. The injured were moved to the hospital. Assailants had gone to the house of complainant again and started giving beatings to elder brother of of complainant taking away ₹1,20,000/- of his brother which had been kept for Laxmi Pooja.

Both the accused were arrested in this case on 20.10.2017 and presently they are behind bars. Investigation is going on.

The petitioners have moved an application for grant of regular

bail before the Court of Sessions, which was, however, dismissed by Additional Sessions Judge, Panipat vide order dated 8.11.2017, as such they have approached this Court praying for grant of similar relief.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for the complainant besides going through the record.

This petition for regular bail is not being opposed by counsel for the complainant rather he has stated that the matter has been compromised between the parties and since parties reside in neighbourhood, they want to have cordial relations.

Learned State counsel has stated that information regarding the compromise has been given to the investigating agency by the complainant.

Without going into the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Panipat subject to the following conditions : -

- (i) They shall appear in the Court on each and every date of hearing.
- (ii) They shall not give any threat or intimidation to the prosecution witnesses.
- (iii) They shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

In case the petitioners violates any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

December 14, 2017
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No