

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

CRM-M-50872-2018

Date of decision: December 19, 2018

Avinash @ Rinku

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner-Avinash @ Rinku in case FIR No.216 dated 12.07.2018 registered for the offences punishable under Sections 147, 148, 364, 323, 325 of Indian Penal Code, 1860 (for short, "IPC") at Police Station City, Rewari, District Rewari, Haryana.

This is the second bail petition of the petitioner. Earlier petition was dismissed as petitioner failed to make the payment amounting to Rs.1.25 lakh.

Briefly stated that it is a case of the prosecution, petitioner along with three or four persons caused injury with blunt weapon.

This court in *CRM-M-34605-2018* decided on 31.10.2018 (Annexure P-3), referred the matter to the District Legal Services Authority to assess the expenses for the medical treatment suffered by the victim and it was reported that he incurred more than 1.25 lakh.

Today, victim-Kapil along with his father-Bijender Singh present in court today, he suffered statement to the effect that he has no

objection if the petitioner be granted bail subject to payment of Rs.1.25 lac as interim compensation and even has received the said amount in the court itself.

The offences are triable before the magistrate. The amount of Rs.1.25 lakh has been paid as interim compensation to said victim. This amount shall be without prejudice to the rights of the parties in the trial as well as to recover the compensation through any other forum. However, in case of acquittal of the petitioner or any court directing the victim-Mr. Kapil to return the amount then he shall refund the same to the petitioner.

In view of the above and without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, no useful purpose would be served by detaining the petitioner behind the bars, therefore, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the court.

December 19, 2018

m. sharma

(RAJ SHEKHAR ATTRI)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No