

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

**Crl. Misc. No.M-47586 of 2019 (O&M)
Date of Decision: November 14, 2019**

Parveen

.....PETITIONER

VERSUS

State of Haryana and another

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Shalender Mohan, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 190 dated 01.04.2019 registered for the offences punishable under Sections 395 and 397 of Indian Penal Code and Section 3(2)(v) of SC and ST Act, 1989 at Police Station Hansi City, District Hisar.

Heard.

Notice of motion.

On asking of the court, Mr. Munish Sharma, Asst. A.G., Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per the case of prosecution, accused Sonu, Raju, Rakesh along with three boys in inebriated state came to the hotel of complainant at

Dayal Singh Colony, Hansi and caused injuries to him with stick and also snatched ₹8000-10,000/- from safe of the hotel.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. The police has presented the challan against Sonu, Raja and Rakesh. The petitioner has already effected compromise with the complainant, copy of which has been placed on file as Annexure P-2 and had filed a petition seeking quashing of FIR on the basis of compromise bearing CRM No. M-36555 of 2019 in which notice of motion has been issued for 22.11.2019. After issuance of notice in that petition, the petitioner was arrested in this case on 25.09.2019.

Learned State counsel submits that though the petitioner is not named in the FIR but he was nominated in the disclosure statement of co-accused Raja as his accomplice, who was present, at the time of occurrence and gave beating to the complainant.

Keeping in view the fact that the petitioner has compromised the matter with the complainant and has also filed petition seeking quashing of FIR on the basis of compromise, the present petition is allowed. Petitioner-Parveen is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, 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 prior permission of the Court.

November 14, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***