

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

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**CRM-M No. 915 of 2020
Date of decision : 22.01.2020**

Ajay Kumar and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amit Kumar Goyal, Advocate
for the petitioners.

Mr. Arjun Singh Yadav, Asst.AG Haryana
for respondent-State.

Mr. Sham Lal, Complainant in-person.

ARUN KUMAR TYAGI,J. (ORAL)

The petitioners have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 706 dated 06.11.2017 registered under Sections 221, 292, 323, 379, 406, 420, 467, 468, 471, 506 and 120-B read with Section 34 of the Indian Penal Code, 1860 at Police Station City Sonipat.

Status report by way of affidavit of ESI Naresh Kumar, Police Station City Sonipat on behalf of respondent-State filed today in the Court, which is taken on record. Copy supplied to the counsel for the petitioner.

As per the prosecution version, the petitioners forged affidavit dated 18.01.2011 purporting to have been executed by father of petitioner No. 2 who had died on 21.07.2007 and on the basis thereof got electric connection transferred in the name of petitioner No. 2.

Learned Counsel for the petitioner has submitted that there is undue unexplained delay of six years in lodging of the FIR. No offence is made out against the petitioner. Civil litigations are pending between the parties. The petitioners are ready for reference of the matter to mediation for amicable settlement with the complainant. Trial is likely to take long time. No useful purpose will be served by their detention in custody.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application and submitted that in view of nature of accusation the petitioners do not deserve grant of regular bail and the petition may be dismissed.

Complainant-Sham Lal, who has also appeared in-person in the Court today, has submitted that he has no objection if the petitioners are granted bail and the matter is referred to mediation for exploring the possibility of amicable settlement between the parties.

Keeping in view the facts and circumstances of the case referred to above, nature of accusation against the petitioner, pendency of civil litigation and also the fact that trial is likely to take long time but without commenting on merits, I am of the considered view that the petitioners deserve the concession of regular bail.

Accordingly, the petition is allowed and the petitioners are ordered to be released on regular bail on furnishing of bail bonds by them to the satisfaction of the Trial Court/Chief Judicial Magistrate, Sonipat.

Since the learned Counsel for the petitioners and the complainant have expressed their willingness to referring of the matter to mediation, Secretary, District Legal Service Authority, Sonipat is directed to place the matter, after obtaining consent of the parties in writing, before one

of the trained Mediators of District Mediation Centre for exploring possibility of amicable settlement between them. The parties are directed to appear before Secretary, District Legal Service Authority, Sonipat on 03.02.2020. Learned Counsel for the petitioner undertakes to convey the above said orders to the petitioners.

A copy of this order be sent to the Secretary, District Legal Service Authority, Sonipat for requisite compliance.

22.01.2020

Rajeev (rvs)

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No