

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-2759 of 2020 (O&M)

Date of decision : 28.1.2020

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Vishal

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

...

Present: Mr.Saleem Ahmed, Advocate for the petitioner.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

Ms. Vandana Sharma Advocate for the complainant.

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H. S. Madaan, J. (Oral)

This petition for regular bail has been filed by petitioner Vishal, an accused in F.I.R. No. 0688 dated 16.10.2019 registered with Police Station Suraj Kund, District Faridabad for offences under Sections 148, 149, 323, 325, 506 IPC with offences under Sections 307 and 34 IPC added later on and offences under Sections 148 and 149 IPC deleted.

Briefly stated the facts of the case as per prosecution story are that on 14.10.2019 at about 10.30 P.M., when complainant Dalip @ Annu accompanied by his cousin brother Bedi were returning home from bazaar and had almost reached near their house then

Sonu, Bajrang, Monu along with 4-5 other boys assaulted them causing them injuries. Sonu armed with an iron rod hit the complainant on head whereas Bajrang gave fist blow in eye of complainant. The complainant fell down and then Monu and other boys gave kick and fist blow. Thereafter, several persons gathered at the spot and all the assailants ran away with their respective weapons. Formal F.I.R. was registered.

Accused-petitioner Vishal was arrested in this case on 29.10.2019. He had filed an application for regular bail before the Court of Sessions which was dismissed by Additional Sessions Judge, Faridabad vide order dated 21.12.2019, as such he has approached this Court with similar prayer.

Notice of this petition was given to the State. State counsel has placed on file the custody certificate of petitioner showing that he is behind bars for 3 months and 5 days. He is not shown to be involved in any other case.

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

Learned counsel for the petitioner states that the matter has since been compromised between the parties. Learned counsel for the complainant concedes this fact and states that she has no objection if the concession of bail is granted to the petitioner. State counsel has also submitted that as per her instructions the complainant has furnished an affidavit to the investigating officer that the matter has

been resolved between the parties amicably. Even otherwise the petitioner is not named in the FIR and the role attributed to him is that he had given kick and fist blows. His co-accused – Bajrang is stated to have been granted bail by this Court vide order dated 22.1.2020 passed in CRM-M-1893-2020.

Although as stated the challan has been filed but the trial is at initial stage and its conclusion is likely to take some time.

Considering all the facts and circumstances of the case, this petition is accepted. Petitioner Vishal is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Faridabad. However, it is made clear that in case the petitioner is found indulging in any criminal act at a later stage, his order granting bail is liable to be withdrawn.

28.1.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No