

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

**CRM-M No.16780 of 2020 (O&M)
Date of Decision: 15.10.2020**

Jagdev Singh @ Nikka

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana for the respondent.

Mr. P.S.Sekhon, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in case FIR No.87 dated 16.07.2019, under Sections 147, 323, 325, 379-B, 506, 201, 427 read with Section 149 of the Indian Penal Code, 1860, registered at Police Station Jakhal, District Fatehabad.

As per prosecution case, on 15.07.2019 at about 07:30 AM, complainant-Sukhpal came on his motorcycle at Bus Stand Jakhal for recharging the sim of his mobile. When complainant reached near Vishavakarma *Mandir* (temple), petitioner along with Surender @ Billa, Randeep @ Rana and two

other co-accused came in a white colour Car and hit the same in his motorcycle from back side, however, motorcycle did not fall and he immediately drove his motorcycle from the spot to save himself. When complainant reached near Gas Godown, Hero Honda Agency, Jakhal, petitioner along with other co-accused again hit their Car in the motorcycle of complainant from back side and due to which, he fell down on the ground along with motorcycle. Petitioner along with other co-accused, armed with *lathis/dandas*, alighted from the Car and caused injuries to the complainant. Thereafter, co-accused Surender @ Billa snatched the mobile phone of complainant while giving a *lathi/danda* blow on his person. On raising alarm, one Gursewak reached at the spot and rescued the complainant from the clutches of accused, who fled away from the spot in the Car along with *lathis/dandas*.

This Court, on 05.08.2020, passed the following order:-

“To be heard with CRM-M-18083-2020 on 15.10.2020.

In the meanwhile, petitioner be released on interim bail till the next date of hearing on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is clarified that in case there is any recurrence on the part of the petitioner, the complainant/State of Haryana would be at liberty to move an appropriate application for recalling of this order.”

Today, learned Counsel for the petitioner submits that matter has been compromised between the parties.

On the other hand, learned State Counsel as well as learned counsel for the complainant, on instructions, acknowledged the factum of compromise arrived at between the parties *inter se*.

In view of the above, this Court is of the opinion that further incarceration of the petitioner would not serve any purpose. Consequently, the present petition is allowed and interim bail granted by this Court, vide order dated 05.08.2020, is confirmed and the petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations as well as factum of compromise may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana as well as complainant would be at liberty to move an appropriate application for recalling of this order.

October 15th, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>