

Through Video Conference

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

Sr. No.225

Decided on: 10.11.2020

1. CRM-M-17772-2020 (O&M)

Lallu @ Gagandeep

.. Petitioner

VERSUS

State of Haryana and another

.. Respondents

2. CRM-M-23184-2020 (O&M)

Vinod Kumar

.. Petitioner

VERSUS

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

PRESENT:- Mr. Arpandeep Narula, Advocate,
for the petitioner in CRM-M-17772-2020.

Mr. DS Virk, Advocate,
for the petitioner in CRM-M-23184-2020.

Mr. Munish Sharma, AAG, Haryana.

Mr. Arshdeep Singh Brar, Advocate,
for respondent No.2.

JASGURPREET SINGH PURI, J. (ORAL)

This order shall dispose of two petitions bearing numbers CRM-M-17772-2020 and CRM-M-23184-2020. Since both the petitioners are accused in the same FIR, these two cases have been taken together.

The present two petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner(s) in FIR No.84 dated

06.02.2020 initially registered under Sections 323, 324, 34, 341, 379-B IPC and thereafter, all the said Sections were deleted and Sections 392, 394 and 34 IPC were added, at Police Station City Sirsa, District Sirsa.

As per the allegations, which have been mentioned in the FIR, one Sushil Kumar, son of Manphul Singh, resident of Jandi Wali Gali, near Bhakhra Cotton Mill, Rania Road, Sirsa, filed a complaint and gave a statement to the Police that accused namely Ravi Kumar, Vinod and Lallu blocked his way and they demanded money for the purchase of liquor and eggs from him. When he refused to give the same, they lost their temper and started assaulting him and snatched Rs.8000/- from the left pocket of his trouser. Thereafter, Vinod took knife out from his pocket and inserted it in his stomach. Both the petitioners were arrested on 27.05.2020. Thereafter, an investigation was conducted and challan was presented on 23.7.2020 before the Court.

Learned counsel for the petitioner(s) in both the petitions have argued that the petitioners are falsely implicated in the present cases and ultimately, the matter has been compromised between the complainant and the petitioners. On 25.08.2020, this Court had directed that in view of the circumstances of the case, the presence of the complainant was considered necessary for just and proper adjudication of the case and therefore, the complainant was ordered to be impleaded as respondent No.2. Thereafter, on 04.09.2020, Mr. Arshdeep Singh Brar, Advocate, had appeared on behalf the complainant and filed his power of attorney. The State also filed reply on that date. Thereafter, CRM-26018-2020 was filed for placing on record the compromises deed dated 09.10.2020, which was taken on record on 28.10.2020.

A perusal of compromise deed would show that respondent No.2-Sushil Kumar has stated that he has not received any serious injury and the compromise has been effected between both the parties with the intervention of Panchayat with their free consent and without any pressure. This compromise deed has been made between the complainant-respondent No.2 and both the petitioners.

Learned counsel for the petitioner(s) have argued that both the petitioners are in custody since 27.05.2020 and challan stands presented and in view of the stand taken by the complainant/respondent No.2, wherein he has stated in the compromise deed that he has not received any serious injuries, therefore, the petitioners may be granted regular bail by this Court. Learned counsel have also submitted that the petitioners are not involved in any other case.

Learned State counsel has submitted that it is correct that the compromise has been effected between the parties, wherein the complainant has stated that he did not receive any serious injury.

Learned counsel for the complainant has also categorically submitted that the compromise has been effected between the parties and there is no serious injury inflicted upon anybody.

Therefore, considering the totality of the circumstances in the present case and in view of the stand taken by learned State counsel as well as learned counsel for the complainant, these petitions are allowed. The petitioners are directed to be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, the above observations have been made only for the limited purpose of deciding the present regular bail application and the same

would not be construed to be an expression of opinion on the merits of the case.

10.11.2020.
monika

(JASGURPREET SINGH PURI)
JUDGE

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