

CRM-M-24692 of 2020

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

CRM-M-24692 of 2020
Date of Decision: 01.09.2020

Deepak

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPEET SINGH PURI

Present:- Mr. B.R. Vohra, Advocate, for the petitioner.
Mr. Naveen Kumar Sheoran, DAG, Haryana.
Mr. B.S. Saroha, Advocate, for the complainant.

(Through video-conferencing)

JASGURPREET SINGH PURI, J. (ORAL)

Petitioner-Deepak has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.185 dated 19.04.2020, under Section 307 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Kundli, District Sonapat.

Learned counsel for the petitioner has argued that the petitioner is in custody since more than four months and he was wrongly roped in in the present FIR by the complainant, namely, Sonia. He has further submitted that after realisation of the mistake by complainant Sonia, both Sonia and her husband, namely, Anil Kumar have expressed that the firing of shot was done negligently only and, therefore, they have reached into an amicable settlement with regard to the alleged action in the FIR. He has further submitted that the investigation in the present case has already been

CRM-M-24692 of 2020

completed and the challan has also been presented, therefore, no useful purpose will be served by detaining the petitioner further in custody.

Learned State counsel states that even if the matter has been compromised, the matter being of non-compoundable offence, the Court may not grant bail to the petitioner.

Mr. B.S. Saroha, Advocate, has entered into appearance on behalf of the complainant, namely, Sonia and her husband, namely, Anil Kumar and has categorically submitted that it was a case where the fire was shot in a negligent manner and not due to any motive. He has also stated that compromise has been entered vide Annexures P-1 and P-2 voluntarily.

I have heard learned counsel for the parties and perused the records carefully.

The present application is only for the purpose of deciding the bail to the petitioner. Learned counsel for the complainant, who has entered into appearance, has stated that the firing of shot was not because of any motive but because of a negligent action and apart from this, a compromise by way of affidavit has also been entered into between the complainant and the aggrieved persons. The petitioner is in custody since more than four months and after completion of the investigation, challan has already been presented in the Court.

Therefore, considering the totality of circumstances of the case, I deem it fit and appropriate to admit the petitioner on bail. Resultantly, the present petition is allowed. It is ordered that the petitioner shall be released on regular bail on his furnishing bail bond/surety to the satisfaction of the learned trial Court/Duty Magistrate.

CRM-M-24692 of 2020

It is made clear that the present case is for the purpose of deciding the bail application only and it does not reflect anything with regard to the permissibility and non-permissibility of entering into any kind of compromise because the FIR pertains to Section 307 IPC.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

September 01, 2020
R.S.

(Jasgurpeet Singh Puri)
Judge

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No