

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

205

CRM-M-25313-2020 (O & M)

Date of Decision : 08.10.2020

SALIM KHAN AND ANOTHER

....Petitioners

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sandeep Kumar Yadav, Advocate
for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

Mr. Kuldeep Attri, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (Oral)

CRM-24992-2020

For the reasons mentioned in the application, the same is allowed and the copy of compromise dated 03.10.2020 between the parties is taken on record as Annexure P-14.

Registry is directed to tag the same at appropriate place and paginate the paper book.

CRM-M-25313-2020

The petitioners have filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.254 dated 20.07.2020 registered under Sections 147, 149, 323, 279, 336, 325, 326 and 506 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Kanina, District Mahendergarh.

The petitioners, who are in custody since 04.08.2020, have filed the present petition for grant of regular bail.

Learned State Counsel has opposed the petition. However,

no written reply has been filed by the State.

I have heard learned Counsel for the petitioners and learned State Counsel and gone through the record.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. The complainant is a habitual offender who has been convicted under Section 307 of the IPC by the Court of learned Sessions Judge, Narnaul. FIR No. 219 dated 29.06.2020, FIR No. 316 dated 03.10.2019 and FIR No. 309 dated 21.08.2018 were registered against the complainant's side. In the present occurrence also persons from the petitioners' side were also injured but the police did not register their FIR. Alleged grievous injury caused with sharp edged weapon attracting Section 326 of the IPC, which injury is attributed to petitioner No.1, was on leg of the complainant and there was no injury on any vital part of the body of the complainant. Subsequently, the matter has also been compromised with the complainant and injured and petition for quashing of the FIR is to be filed. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioners in custody during trial. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioners are alleged to have committed heinous offences and in view of the gravity of accusation, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

Learned Counsel for the complainant does not dispute the factum of compromise.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, the factum of compromise between the parties and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

Therefore, the petition is allowed and the petitioners are

ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

08.10.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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