

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM No. M-29122-2020

Date of Decision : 28.09.2020

ASHOK KUMAR @ SHOKI

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Abhimanyu Singh, Advocate for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Arun Dulghach, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 210 dated 23.06.2020, under Section 25 of Arms Act, 1959 and Sections 279, 307, 323, 336, 34, 427, 506 of IPC (later on Section 325 of IPC and Section 54/59 of Arms Act added and Section 427 of IPC omitted), registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

Learned counsel for the petitioner argues that the petitioner has only been attributed an injury with the *danda*, which is simple in nature. Learned counsel for the petitioner submits that co-accused of the petitioner, namely, Hari Singh has already been granted regular bail by this Court while deciding CRM No. M-27050 of 2020 on 15.09.2020 (Annexure P-4).

Learned counsel further submits that another co-accused, namely Sunder Singh was granted the benefit of anticipatory bail by this court while deciding CRM No. M-24407 of 2020 on 26.08.2020. As per learned counsel for the petitioner, the parties have already compromised the matter and the compromise has also been placed on record of this petition.

Notice of motion.

Ms. Safia Gupta, learned Assistant Advocate General, Haryana, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel submits that the case of the petitioner and that of co-accused is not similar as Hari Singh was not named in the FIR. Further, no injury has been attributed to Hari Singh, whereas petitioner had physically assaulted the victim, but injuries attributed to the petitioner are simple in nature and, therefore, the petitioner cannot claim parity with Hari Singh. Learned State counsel concedes that another co-accused, namely, Sunder Singh has already been granted the benefit of anticipatory bail by this Court.

Mr. Arun Dulghach, Advocate, who is appearing on behalf of the complainant does not dispute that the parties have compromised and further he is not opposing the bail application filed by the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is conceded position that the petitioner is only attributed a simple injury with *danda*. No role has been attributed to the petitioner to

connect him with the allegation in respect of Section 307 IPC. Further, the co-accused of the petitioner, namely, Hari Singh and Sunder Singh have already been granted the benefit of regular bail and anticipatory bail respectively by this Court.

Once, the parties have compromised the matter and they want to live peacefully, keeping in view the facts recorded above, petitioner has made out a case for the grant of regular bail.

The petitioner be released on regular bail in this case, if not required in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner as the challan has already been presented and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 28, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*