

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

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**(1) CRM-M-31583-2020(O&M)
Date of Order:09.10.2020**

Rakesh ..Petitioner

Versus

State of Haryana ..Respondent

(2) CRM-M-31759-2020 (O&M)

Kannu Sardar @ Harvinder ..Petitioner

Versus

State of Haryana ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Monika Jangra, Advocate
for the petitioners (in both the cases).

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

By this order, CRM-M-31583-2020 and CRM-M-31759-2020, filed by Rakesh and Kannu Sardar @ Harvinder, the petitioners, shall stand disposed of.

On 07.10.2020, while hearing petitions for bail of the co-accused, the following order was passed:-

“This order shall dispose of two petitions i.e. Criminal Misc. No. M-25723 of 2020 and Criminal Misc. No. M-28197 of 2020.

Kapil (petitioner in Criminal Misc. No. M-25723 of 2020) and Monu Khan (petitioner in Criminal Misc. No. M- 28197 of 2020) have filed two separate petitions for grant of regular bail pending trial in a

criminal case arising from FIR No. 644 dated 16.07.2020, registered under Section 148, 149, 323, 506, 308 & 427 IPC at Police Station city Jagadhri, District Yamunanagar.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Yamunanagar in para 3 of its order dated 14.08.2020, which is extracted as under:-

“Brief facts of the prosecution case relevant for the purpose of deciding the present bail application are that on 15.7.2020 after receiving information regarding admission of one Rahul in Civil hospital, Jagadhri as a case of having sustained in some scuffle. HC AjayKumar reached the said hospital. The injured was declared unfit to make statement, however, the doctor supplied the medical rukkaas also copy of MLR of injuries depicting 10 injuries on the person of the injured. On the next day, after seeking opinion regarding fitness of injured to make statement, his statement was recorded, who reported that six months ago one Monu Khan under the influence of liquor had come to their house and misbehaved with his mother, The said act of Monu Khan was by his apologized by his mother and the matter ended. On 15.7.2020 at about 6/6-30 P.M. he on motor cycle had gone to take delivery of ration at Govt. Depot located near Metro Motors, Jagadhri and as soon as he came out from the depot then, Monu Khan along with co-accused Kannu Sardar and Rakesh, owner of Monu Chicken alongwith three-four other persons riding on three-four motor cycles and laced with iron rods, dandas and bindas came there. Monu (applicant) proclaimed to teach him a lesson and thereafter, he gave iron rod blow on his head with an intent to kill him. As a result thereof, he (complainant) fell down. Co-accused Kannu gave iron pipe blow on his head and other boys

accompanying them inflicted danda and binda blows to him on his legs, back and hands. The alarm raised by him attracted his younger brother, namely Nitin and one Harsh son of owner of Depot and many others. His brother Nitin and Harsh got him freed from the assailants, however, on seeing the people gathering over the spot, the said assailants fled from the spot alongwith their weapons. However, while fleeing Monu Khan (applicant) also proclaimed to kill the complainant on finding appropriate opportunity. Thereafter, complainant had also reported that the assailants had also caused damage to his motor cycle no. HR-02-AE-7535 and his mobile phone. On the basis of this complaint, instant FIR was registered”.

Learned counsel appearing for Kapil (petitioner in Criminal Misc. No. M-25723 of 2020) has submitted that the petitioner is not named in the FIR and has been falsely implicated in the present case.

On the other hand, learned counsel appearing for Monu Khan (petitioner in Criminal Misc. No. M-28197 of 2020) has submitted that the parties have entered into a settlement.

On 22.09.2020, learned counsel appearing for the State of Haryana was requested to verify the factum of settlement between the parties.

Mr. Chetan Sharma, Assistant Advocate General, Haryana, on instructions from Head Constable Ajay Kumar, has submitted that the first informant and petitioner-Monu Khan have entered into a settlement.

Keeping in view the aforesaid facts and without expressing any opinion on the merits of the case, it is considered appropriate to direct the petitioners to be released on regular bail. Hence, both the aforesaid petitions are allowed. Kapil (petitioner in Criminal Misc. No. M-25723 of 2020) and Monu Khan (petitioner in Criminal Misc. No. M-28197 of 2020) are ordered to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/ Chief Judicial Magistrate/Duty

Magistrate.”

The petitioners herein also rely upon the settlement arrived at, between the first informant on the one hand and Monu Khan and Kannu Sardar @ Harvinder, on the other hand.

As noted above, Sh. Chetan Sharma, Assistant Advocate General, Haryana, after getting instructions from HC Ajay Kumar, the Investigating Officer, has already admitted the correctness of the settlement arrived at while hearing the previous applications.

Keeping in view the aforesaid facts, both the petitioners are granted anticipatory bail in the same terms as has been ordered in CRM-M-25723-2020 and CRM-M-28197-2020.

However, since the petitions are being disposed of on the very first date of hearing, therefore, the State of Haryana or the first informant would be at liberty to move an application for revival, if the facts are otherwise.

Disposed of accordingly.

October 09, 2020
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(ANIL KSHETARPAL)
JUDGE

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