

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

CRM-M-42705-2020

Date of Decision: 23.12.2020

PARDEEP KUMAR

.....Petitioner

V/s.

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

(Through Video Conferencing)

Present: Mr. J.S. Chahal, Advocate,
for the petitioner.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

This is the third petition filed by the petitioner under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.133 dated 26.06.2020 registered under Sections 324 and 326 of the IPC,1860 (Section 326 of the IPC added later on) at Police Station Chhappar, District Yamuna Nagar, Haryana on the basis of compromise dated 09.12.2020 (Annexure P-2).

Learned counsel for the petitioner submits that the petitioner has been in custody since 06.07.2020 and charges have not yet been framed. He further submits that the dispute between the parties has been settled vide compromise dated 09.12.2020 (Annexure P-2).

On a pointed query put up that as to what was the change in the circumstances prompting him to file this third petition for grant of regular bail within two months from the date of withdrawal of the second petition i.e. 12.10.2020, learned counsel for the petitioner has apprised the Court that the trial in this case has been progressing at a very slow pace.

Per contra, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Anil Kumar, has submitted that the charges are likely to be framed shortly in the instant case by the trial Court. He has further submitted that the petitioner inflicted as many as six grievous injuries with a *daati* on the vital parts i.e. on back, neck and head/scalp of injured-complainant, attracting the mischief of Section 326 of the Indian Penal Code, 1860. Learned State counsel has further submitted that the FIR in question was registered only as recently as on 26.06.2020 and the slight delay in the framing of the charges has been on account of the outbreak of COVID-19.

Heard.

Prima facie there are serious allegations levelled against the petitioner for which he does not deserve the concession of regular bail. The learned counsel for the petitioner has invited the attention of this Court to compromise (Annexure P-2) effected between the parties. A perusal of the compromise reveals that there is FIR No. 77 dated 16.07.2020 under Section 354-A, 354-C, 376, 342, 506, 509, 511 of the Indian Penal Code, 1860 registered against the complainant party and the parties have compromised the dispute pertaining to that FIR as well. No doubt, a compromise is stated to have been effected between the parties but the factum of compromise cannot be a ground to extend the concession of regular bail more so when even the charges have not yet been framed.

As a sequel to the above, the present criminal petition is hereby dismissed.

December 23, 2020

[MANJARI NEHRU KAUL]
JUDGE

Ess Kay

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No