

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM No. M-1985 of 2021

Date of Decision : 05.02.2021

Vikas

....Petitioner

Versus

State of Haryana

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sanjiv Gupta, Advocate and
Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

Mr. Lakshay Bajaj, 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. 346, dated 28.07.2020, under Sections 323, 324, 326, 307, 506 IPC, registered at Police Station Gharaunda, District Karnal.

Learned counsel for the petitioner argues that the matter has been compromised between the parties so that they can live peacefully and the complainant has already given an affidavit dated 04.01.2021 (Annexure P-4) that the bail application filed by the petitioner is not being opposed.

Learned counsel appearing on behalf of the complainant does not deny the affidavit dated 04.01.2021 (Annexure P-4) given by the complainant and further states that he has no objection in case, the

petitioner is granted the benefit of regular bail.

Learned State counsel submits that the allegations alleged against the petitioner are not compoundable and therefore, the grant of bail on the basis of affidavit is not warranted.

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

Though, it is not disputed that the allegations alleged against the petitioner are not compoundable but those are yet to be proved. The present case is not for quashing of FIR but is for grant of regular bail. As the complainant has compromised the matter with the petitioner and the bail application filed by the petitioner is not being opposed, no useful purpose will be served in keeping the petitioner behind the bars during the trial, which is likely to take time to finish hence, petitioner is held entitled for the benefit of regular bail in this case.

The petitioner be released on regular bail in this 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.

February 05, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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