

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**204****CRM-M-2222-2021****Decided on:22.01.2021**

Jaivir and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sushil Sheoran, Advocate
for the petitioners.

Mr. R.K.S. Brar, Additional AG, Haryana.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawal, J. (Oral)

Prayer in the present second petition, filed under Section 439 Cr.P.C., is for grant of regular bail in FIR No.219 dated 17.11.2020 under Sections 323/506/34 of IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Jhojhu Kalan, District Charkhi Dadri, Haryana.

Counsel for the petitioners has submitted that the first bail application was withdrawn on 01.01.2021 on the ground that at earlier stage bail had been declined by the Additional Sessions Judge, Charkhi Dadri on 10.12.2020 (Annexure P-2) on the ground that the investigation is not complete. On account of the challan having been filed on 18.12.2020, the petitioners had approached the said Court again for bail.

It is submitted that now bail has been wrongly denied by holding that investigation is still to be completed and the petitioners may not interfere in the investigation. Similarly an affidavit had been got executed by the father of the complainant Priya showing the matter had been compromised which was discarded on the ground that the petitioners have managed to attain the said affidavit. Therefore, the complainant would not support the incident which had happened. It is thus submitted that the petitioners are in custody since 19.11.2020 for over a period of 3 months and trial is likely to take considerable time and the petitioners are husband and wife and have a child about 8 years old.

Perusal of the FIR would also go on to show that there are several instances of disputes inter se the parties but keeping in view the nature of the dispute and the allegations as such this Court does not think that the petitioners are liable to be detained for a longer period than for which they have already been detained. More so, father of the girl Priya, namely Rajesh has also given affidavit on 09.12.2020 signed by various persons of the village that a compromise has been arrived and from the perusal of the order dated 08.01.2021 of the Additional Sessions Judge, the presence of the complainant Priya and her mother is also noticed.

Counsel for the petitioners as such submitted that even the complainant had not opposed the compromise and which fact has not been recorded in the impugned order of the Sessions Judge that she has opposed the compromise as such with the petitioners.

Thus this Court is of the opinion that the petitioners are

entitled for the regular bail to the satisfaction of the Illaqa Magistrate/trial Court, Charkhi Dadri. It is further made clear that the petitioners as such shall not try to approach the complainant in any manner during the trial otherwise bail would be liable to be canceled.

22.01.2021
Parveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No