

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202 - CRM-M-16409-2021 (O&M)

Date of Decision: 30.04.2021

Anish

... Petitioner

VS.

State of Haryana & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Sarfraj Hussain, Advocate for the petitioner

Ms. Palika Monga, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of restrictions due to outbreak of COVID-19 pandemic.

This petition under Section 439 CrPC has been filed by petitioner Anish seeking regular bail to the petitioner in case FIR No.104 dated 22.03.2021 under Section 323/506 IPC (313 IPC added later on) registered at PS Sector 17-18, Gurugram.

Learned counsel by making reference to the pleadings submits that initially at the stage of registration of FIR No.104 dated 22.03.2021, the FIR was registered under Section 323/506 IPC only. However, Section 313 IPC was wrongly added without evidence. He submits that in fact it is primarily a matrimonial dispute, which has now been amicably settled. A written compromise arrived at between the parties has been appended as Annexure P1 along with an affidavit of the respondent No.2-complainant (P2) to this effect.

Notice of motion.

On the asking, Ms. Palika Monga, DAG Haryana accepts notice on behalf of the State and Mr. Rajesh Bhateja, Advocate accepts notice on behalf of respondent No.2, through video conferencing.

Counsel for respondent No.2 submits that he has instructions to state that the compromise has actually been effected and an affidavit has also been executed by respondent No.2 with the intention to resolve the dispute and stay together. It is further submitted that the respondent No.2 has no objection in case the petitioner is granted regular bail.

Learned State counsel though has no instructions, however, she is unable to refute the compromise (P2) that the parties have arrived at.

Counsel for the petitioner further submits that in view of the compromise (P2) and also in view of the current scenario of COVID-19 pandemic, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above and considering the existing situation due to COVID-19, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

30.04.2021

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No