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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.19348 of 2021

Date of Decision: 17.05.2021

IMTIYAZ @ IMTIAZ @ INTIAZ

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Shobit Phutela, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.223 dated 21.12.2020, registered under Sections 147, 148, 149, 323, 307, 379-B, 427, 506 IPC (later on added Sections 326, 382, 392 IPC and struck off Sections 147, 379-B IPC), at Police Station, Sadar Sohna, Gurugram.

The occurrence took place on 20.12.2020. FIR No.222 dated 20.12.2020 under Sections 147, 148, 149, 307, 323, 506 IPC and Section 25(1B)(a) of the Arms Act was lodged by the petitioner against the complainant party in Police Station Sohna,

District Gurugram with the allegations that he had purchased 42 kanal of land from Sakshi Bahl and her son Ansh Bahl at the rate of Rs.48 lakhs per acre. He had paid Rs.2 lakhs on 12.11.2020 as earnest money and thereafter paid 2 lakhs to Sakshi Bahl and Ansh Bahl on 15.11.2020. He did RTGS of Rs.35-35 lakhs on 20.11.2020 in the account of Sakshi Bahl and Ansh Bahl. On 26.11.2020, the petitioner had deposited an amount of Rs.13 lakhs each in the account of Sakshi Bahl and Ansh Bahl. On that very day i.e. 26.11.2020 an agreement was executed between the petitioner and Sakshi Bahl and Ansh Bahl in respect 42 kanals of land. One Rafiq son of Chatru was appointed as caretaker of the land. On 14.12.2020, Vishal Chauhan along with 5-6 persons came to the house of the petitioner in 3-4 vehicles and gave threats that the land in question which had been agreed to be sold by Sakshi Bahl and Ansh Bahl be not visited otherwise they will kill the petitioner. A complaint was made by the petitioner to the Police on 19.12.2020. On 20.12.2020 Rafiq informed the petitioner that Sakshi Bahl and her son Ansh Bahl, daughter Priyanka Bahl son-in-law Vishal Chauhan, Rajiv Chawla along with 10-12 persons had come in 6-7 vehicles and had started ploughing the fields. The complainant on seeing the petitioner exhorted that petitioner be finished. Vishal Chauhan and Rajiv Chawla opened fire. The bullet hit the bonnet of the car of the petitioner

and also the mirror. Vishal Chauhan fired again which touched the head of the petitioner and passed and Priyanka along with other tooks the purse and other documents of the petitioner which were kept in the car. With these allegations, the FIR No.222 dated 20.12.2020 under Sections 147, 148, 149, 307, 323, 506IPC and Section 25(1B)(a) of the Arms Act came into existence. The present FIR was registered by Priyanka Bahl on 21.12.2020 in respect of the same occurrence dated 20.12.2020. It appears that thereafter, both the parties have reconciled their civil rights arising out of the land in question and have entered into a compromise dated 08.03.2021. The complainant party has also executed affidavits of Priyanka Bahl, Vishal Chauhan, Akash Chauhan, Sarabjeet (Robin), Sachin, Gaurav Ruhel, Paras Chauhan, Ravinder Kundu and Sandeep Tokas in support of compromise. On the basis of aforesaid compromise, CRM-M No.14980 of 2021 titled '*Imtiaj and Ors. Vs. State of Haryana and Ors*' and CRM-M No.13773 of 2021 titled '*Priyanka Bahl and Ors. Vs. State of Haryana and Anr*' are pending for quashing of FIR and cross FIR on the basis of compromise.

Factual position of the case has not been disputed by learned State counsel on instructions from ASI Satinder Singh.

Learned State counsel, submits that the petitioner is in

custody since 21.12.2020. Challan has been presented on 16.03.2021 but charges have not been framed so far. Trial of the case may take some time in its culmination due to the situation arising out of Covid-19 pandemic.

Taking into consideration the totality of facts and circumstances of the case particularly in view of the settlement arrived at between the parties, I deem it appropriate to enlarge the petitioner on regular bail, without commenting upon pendency of CRM-M No.14980 of 2021 and CRM-M No.13773 of 2021 as the aforesaid cases would be decided strictly in accordance with law.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

17.05.2021

Amandeep

**(RAJ MOHAN SINGH)
JUDGE**

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