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

**CRM-M No.22424 of 2021(O&M)
Date of Decision:01.07.2021**

Gaurav Kumar

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Mandeep Nehra, Advocate
for the complainant.

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.180 dated 01.11.2020 registered under Sections 323, 324, 34, 506 IPC (offence under Section 307 IPC and Section 25 of the Arms Act added later on) at Police Station Buria, District Yamuna Nagar.

Reply filed by the State is taken on record.

Prosecution story started with the allegations that Rahul son of Salinder, Mandeep Son of Rajbir and the petitioner were consuming liquor on the roof of a shop. Rahul son of Manjit Singh (other Rahul) went to them at the roof, where the petitioner borrowed a sum of Rs.200/- from him and they asked Rahul son of Manjit Singh to bring a bottle of water. When Rahul brought bottle of water, then Mandeep started hurling abuses to him without any reason. The complainant namely Pankaj on hearing the abuses, went to the roof as Mandeep was abusing in a loud voice. Mandeep inflicted blow with empty liquor bottle upon Rahul son of Manjit Singh, hitting him on the right side of head. Petitioner took out a knife from his dub and inflicted stab injuries upon Rahul son of Manjit Singh in the abdomen towards the left side. When the complainant tried to rescue Rahul, then the knife blow hit the mouth of Rahul towards the left side and left shoulder. Rahul fell down. Thereafter, the petitioner inflicted knife injuries to him on the left side of abdomen. Rahul son of Salinder gave a push to the complainant and made him to fall on the roof and thereafter, all the three i.e. Rahul son of Salinder, Mandeep and the petitioner started beating the complainant and Rahul son of Manjit Singh with kick blows when they were in lying condition.

Learned counsel for the petitioner submits that initially

the FIR was registered for the offences under Sections 323, 324, 34 and 506 IPC. Petitioner was granted bail by the trial Court vide order dated 06.11.2020. Offence under Section 307 IPC was added on 21.12.2020. Thereafter, petitioner was re-arrested on 08.01.2021 and since then, he is in custody. Learned counsel further submits that the occurrence took place under the state of intoxication when all the three persons were consuming liquor on the roof of a shop. Thereafter, parties have amicably resolved their differences by entering into a compromise dated 29.04.2021.

Learned State counsel, however, opposed the bail on the ground that the compromise in question cannot be entertained in view of the offence under Section 307 IPC, where the petitioner is involved in inflicting repeated stab injuries to Rahul. The case involved heinous act on behalf of the petitioner and is offence against the State.

Challan has been presented. Charges have been framed, but prosecution evidence has not started so far.

Learned counsel for the complainant has admitted the factum of compromise.

At this stage, without commenting upon legal validity of compromise in the context of offence under Section 307 IPC, I

deem it appropriate to rely upon the compromise only for appreciating the question of grant of bail to the petitioner. Petitioner is in custody since 08.01.2021. The trial of the case may take some time in its culmination. Co-accused Mandeep has been granted regular bail by this Court vide order dated 26.02.2021 passed in CRM-M No.8099 of 2021.

In view of aforesaid facts and circumstances of the case and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without adverting to the merits of the case,

In view of above, petition is allowed. Petitioner is ordered to be released on regular 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.

(RAJ MOHAN SINGH)
JUDGE

01.07.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No