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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24613-2020 (O&M)
Date of decision-18.01.2021

Bharat

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Randeep S.Dhull, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Ajay Kumar Dahiya, Advocate for the complainant.

MANOJ BAJAJ, J.

CRM-29853-2020

Application is allowed as prayed for.

Annexure P-4 is taken on record.

Main case

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial, in case FIR No.562 dated 18.07.2019 under Sections 323, 324, 341, 506 and 34 Indian Penal Code, 1860 (Section 307 IPC added later on) registered at Police Station Bhiwani City, District Bhiwani. Petitioner is in custody since his arrest on 14.09.2019.

The FIR was registered on the basis of the statement given by Rakesh son of Gopal Krishan wherein it was alleged that on 17.07.2019, at about 6.30 p.m., complainant received a telephonic call from his cousin,

namely, Raghunandan who informed that Bharat (petitioner), Bansi, Sudan and one another unknown person gave injuries to him with a knife at Dadri Gate. Then complainant alongwith his brother-Pankaj reached at the spot, where victim-Raghunandan was found injured and he disclosed that Bansi, Sudan and another boy caught hold him and Bharat gave knife injuries in his abdomen. Thereafter, they took the victim to Government Hospital, Bhiwani. On these broad allegations, FIR was registered.

Learned counsel for the petitioner has argued that the complainant has compromised the dispute with the accused and invited the attention of the Court to his affidavit dated 07.08.2020 (Annexure P-2). According to him, the complainant has stated that the name of the petitioner was mentioned in the FIR due to some confusion and he has no objection in case the concession of regular bail is granted to him. He submits that similar is the stand of the injured-Raghu Nandan and therefore, further custody of the petitioner may not be necessary. He prays that the petitioner be released on regular bail during the pendency of the petition.

The above prayer on behalf of the petitioner has been supported by learned counsel for the complainant. However, the prayer has been opposed by learned State counsel who is assisted by ASI Amarjeet Singh. According to him, the petitioner gave multiple knife blows to the injured and caused serious injuries and therefore, considering the nature of the offence, the alleged compromise is meaningless.

After hearing learned counsel for the parties and considering the ground of compromise, this Court is of the opinion that no significance can be attached to the affidavits of complainant and injured, particularly, when a

categoric statement of the injured recorded under Section 161 Cr.P.C indicts the petitioner. There is no reference of these statements in the affidavits and even otherwise also considering the nature of offence, the compromise set up by the petitioner is not acceptable in view of the judgment of Hon'ble Supreme Court reported in AIR 2019(SC) 1296, titled as “The State of Madhya Pradesh Vs. Laxmi Narayan and others”. Apart from this, the material witnesses are yet to be examined, therefore, at this stage, no case is made out for release of the petitioner on regular bail.

Dismissed.

18.01.2021

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No