

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31023-2021 (O&M)
Date of decision: 03.11.2021

Nitesh Kumar @ Nishu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.80 dated 06.02.2021 under Sections 148, 149, 282, 323, 427, 307, 506, 387, 452 IPC and Section 25/54/59 of Arms Act, registered at Police Station Krishna Gate, District Kurukshetra.

Learned counsel for the petitioner relies upon the order dated 01.11.2021 passed in CRM-M-44143-2021 and CRM-M-44786-2021, vide which co-accused Prem Chand @ Sunny and Naresh Kumar have already been granted the concession of regular bail, by passing the following order: -

“...Learned counsel for the petitioners at the very outset relies

upon the order dated 29.09.2021 passed in CRM-M-22215-2021 and CRM-M-26313-2021 vide which, two of the co-accused namely Parvesh @ Shunty and Deepu Verma have been granted the concession of regular bail. The operative part of the order reads as under:-

“...Prayer in these petitions, filed under Section 439 Cr.P.C., is for grant of regular bail to petitioners Parvesh @ Shunty and Deepu Verma in case FIR No. 80 dated 06.02.2021, registered under Sections 148, 149, 282, 285, 323, 427, 506, 387, 452, 307, 75 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Krishna Gate, Thanesar, Kurukshetra.

Learned counsel for the petitioners submit that the FIR was registered on the complainant given by Gursharan @ Anshul with the allegations that petitioners and others came to the house of one Vipin Mishra and demanded Rs. 50,000/-. It is further stated that earlier also, the accused persons have taken money from the complainant but they never returned the same and for this reason, the complainant refused to give them any further money. Due to this, the accused persons caused injuries to complainant.

Learned counsel for the petitioners further submit that the matter has been compromised between the parties and a petition, bearing CRM-M-10374-2021 has already

been filed before this Court seeking quashing of the present FIR on the basis of the said compromise, in which the parties have been directed to get their statement recorded and today itself is the date before the trial Court/Illaqu Magistrate for recording the statement of the parties as the statement of the Investigating Officer has already been recorded.

Learned State counsel, assisted by learned counsel for the complainant, has not disputed the factual position that the case is fixed today itself for recording the statement of the parties in support of the compromise entered into between them.”

Learned counsel for the petitioners further submits that since the matter has already been compromised and the accused have already filed a petition praying for quashing of the FIR on the basis of compromise, in which directions have been issued to record the statements.”

Learned counsel submits that the matter stands compromised between the parties and the allegations against the petitioner are identical in nature and a petition praying for quashing of FIR on the basis of compromise has already been filed, in which directions have been issued to the parties to record their statements.

Learned State counsel has filed the custody certificate dated 02.11.2021 in the Court today, according to which, the petitioner is in custody

for the last 08 months and 15 days.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

03.11.2021
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No