

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

Sr. No.221

CRM-M-41318-2021

Date of decision: 17.11.2021

Dharmender @ Dharmu

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Mr. Jasmer Singh Rozera, Advocate
for respondents No.2 to 5.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.215 dated 08.05.2021, registered under Sections 147, 149, 323, 341, 379-B, 506 IPC (Section 325 IPC added later on) at Police Station Adarsh Nagar, District Faridabad.

Briefly stated, the case of the prosecution is that when the complainant, his brother Jasbir Bhati and his nephew Aakash were going in a vehicle they were stopped by the petitioner and his co-accused and given beatings. The petitioner and his co-accused also snatched the complainant's purse containing Rs.2700/-. Thereafter, brother of the complainant's brother-in-law Manoj Tanwar and his nephew Kapil Tanwar reached the spot. On being questioned by them, the petitioner and his co-accused inflicted injuries on the entire complainant party which including knife blows by the petitioner and co-accused Veeru on Kapil Tanwar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case at the behest of the complainant who is inimical towards him; the present matter is a case of version and cross-version; in fact, it was the complainant party, who were the aggressors; the

petitioner is alleged to have inflicted a knife blow on Kapil Tanwar which fact is falsified from Kapil Tanwar's MLR as the same shows only two injuries but with a blunt weapon; the petitioner is in custody for the last nearly 05 months; investigation in the case is complete; the petitioner and the complainant have compromised the matter making the petitioner's chances of conviction extremely bleak and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Though, learned counsel for the complainant submits that he has no objection if the petitioner is granted bail, learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has committed theft and given beatings as also because of the petitioner's criminal antecedents.

Whether the allegations against the petitioner with regard to him inflicting knife blows on Kapil Tanwar, in the light of Kapil Tanwar's MLR, are correct and as to which party was the aggressor would be debated during the course of the petitioner's trial. However, the petitioner is in custody for the last about 05 months; investigation is complete; the complainant has compromised the matter with the petitioner and that the petitioner's trial, which is yet to begin, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Faridabad, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

November 17, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No