

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41936 of 2021

Date of Decision:-12.10.2021

Shubham

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR.ARVIND SINGH SANGWAN

Present: Mr. S.S.Dinarpur, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J.(Oral)

Prayer in this petition is for grant of regular bail in FIR No.80, dated 06.02.2021, registered under Sections 148, 149, 282, 285, 323, 427, 506, 75 IPC, and Section 25 of the Arms Act, 1959 (Sections 307, 387 and 452 IPC added later on), at PS Krishna Gate, Thanesar, District Kurukshetra, Haryana.

Learned counsel for the petitioner relies upon a order dated 29.09.2021 passed by this Court in CRM-M-22215 of 2021 and CRM-M-26313 of 2021. 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/Illaqua 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 further submits that the allegations against the petitioner are identical in nature and the matter has been compromised between the parties.

Custody certificate filed in Court today, is taken on record. The learned State counsel has not disputed the factual position and as per the custody certificate, it is stated that the petitioner is in custody for the last about 04 months and 26 days.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the fact that the matter has been compromised between the parties and also in view of the fact that petitioner is in judicial custody for more than four months, 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/Illaqua Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

12.10.2021

Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No