

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40389-2020

Date of Decision: 19.01.2021

Mukesh Kumar @ Mukesh @ Mannu

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Ved Parkash, Advocate,
for the petitioner.

Mr. Munish Sharma, Assistant Advocate General, Haryana,
for the respondent.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No.399 dated 24.08.2019, under Section 394 of the Indian Penal Code, registered at Police Station Safidon, District Jind.

The learned counsel for the petitioner has argued that as per the FIR itself, the allegations were that the complaint was lodged by one Vikas son of Pritam Singh that the present petitioner, namely, Mukesh Kumar @ Mukesh @ Mannu, Kaptan Singh son of Pola and some other unknown persons assaulted the complainant and thereafter, looted an amount of Rs.13,500/- and some English and *desi* liquor and they have been doing this earlier also. The learned counsel for the petitioner has further submitted that the petitioner was falsely implicated in the present case because of an enmity and thereafter, a compromise is also being effected between both the accused

and the complainant in Panchayat vide Annexure P-1. He has further submitted that otherwise also the investigation in the present case is already complete and the challan has already been presented in the present case and no recovery is required to be made from the petitioner particularly in view of the compromise (Annexure P-1). He has further submitted that the petitioner is in custody since 21.03.2020 and has therefore, prayed for grant of regular bail to the petitioner.

On the other hand, the learned State Counsel has argued that it was a case of dacoity and therefore, has opposed the grant of bail. However, he has not disputed the custody of the petitioner.

I have heard the learned counsel for the parties.

As per the FIR, the allegation was with regard to looting of Rs.13,500/- and some liquor from the complainant. It is not a case of the parties that some injury has been inflicted upon anybody. Furthermore, as stated by the learned counsel for the petitioner that a compromise has been effected between the accused and the complainant vide Annexure P-1 and the investigation of the present case is already complete and the challan stands presented. Furthermore, it is not a case of the State that any recovery is to be effected in the present case or that there is a likelihood that in case the petitioner is granted bail then he may abscond or may tamper with any of the evidence or may influence any of the witness.

Therefore, considering the totality of the facts and circumstances of the present case, I deem it fit and proper to admit the petitioner on bail. Consequently, the present petition is allowed. The petitioner shall be admitted to regular bail on his furnishing bail/surety

bonds subject to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

19.01.2021
adhikari

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No