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# IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CRM-M No. 50360 of 2021 (O&M)**
**Date of Decision: 07.12.2021**

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..... Petitioner

***Versus***

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR**

Present: Mr. Krishan Singh, Advocate, for the petitioner.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

Mr. Ranjit Saini, Advocate, for respondent No. 2.

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**SURESHWAR THAKUR, J. (ORAL)**

1. The petitioner, by filing the present petition under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 760 of 13.09.2021, which was registered against him, at Police Station City Yamuna Nagar, District Yamuna Nagar, constituting therein offences under Sections 323 & 379-B, 34 and 506 of the IPC (Sections 325 & 201 of the IPC, added later on).

2. The learned State Counsel submits that the investigation into the FIR (supra), is almost complete. He also states that the bail applicant-petitioner is in judicial custody since 11.10.2021.

3. Moreover, it is stated at the Bar by the learned counsel for the bail applicant / petitioner, and, the learned counsel for the informant / complainant, that a compromise has occurred *inter-se* the informant-complainant, and, the bail applicant / accused. Also, a petition under Section 482 Cr.P.C., has been instituted before this Court, for quashing the FIR (supra), on the basis of the afore drawn compromise.

3. Bearing in mind the afore, and, also further bearing in mind the fact that the petitioner is in judicial custody since 11.10.2021, and also the fact

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that, at this stage, no evidence has been adduced by the prosecution, that in the event of the bail applicant being enlarged on bail, there is every likelihood of his fleeing from India, and, or, tampering with prosecution evidence. Therefore, this Court deems it fit to order for release of the bail applicant from judicial incarceration.

4. Consequently, the present petition is allowed, and, the bail applicant – petitioner is ordered to be released from judicial custody, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the trial Court concerned, as and when he is required to be making his personal appearances. Further, subject to petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall remain be *ipso facto* anulled, and, that upon, his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody. He shall also surrender his passport before the learned Magistrate concerned

5. Disposed of.

**December 07, 2021** **( SURESHWAR THAKUR )**
*'dk kamra'* **JUDGE**

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|---|---|
| *Whether Speaking/reasoned* | *Yes/No* |
| *Whether Reportable* | *Yes/No* |

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