

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

CRM-M-51407-2021

Date of decision : 14.12.2021

Surender

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Manoj Tanwar, Advocate
for the petitioner.

Mr.Anmol Malik, DAG, Haryana.

Mr.Nafeesh Ahmed, Advocate
for respondent no.2-complainant.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.83 dated 03.06.2021 registered under Sections 148, 149, 323, 341, 342, 379-B and 506 IPC (Sections 148, 149, 342 and 379-B IPC were deleted and Sections 325, 307, 34 IPC were added later on) at Police Station Satnali, District Mohindergarh.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not armed with any weapon and no specific injury has been attributed to the petitioner and injury no.5, which is stated to be dangerous to life, was allegedly caused by a weapon. It is further submitted that a compromise has been effected between the complainant and accused persons and for the same, reference has been made to

the petitioner has been in custody since 22.07.2021 and challan has already been presented in the present case and there are as many as 18 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time moreso, in view of the present pandemic. Learned counsel for the petitioner has further submitted that in the present case, co-accused Virender Singh has been granted regular bail vide order dated 24.11.2021 passed in CRM-M-45157-2021 titled as "Virender Singh Vs. State of Haryana and another" and the case of the petitioner is on better footing than the case of the co-accused Virender Singh.

Learned State counsel has opposed the petition for bail. The custody period has not been disputed by learned State counsel.

Learned counsel for respondent no.2-complainant has submitted that in the present case, compromise has been effected and he has no objection in case the present petition is allowed and the petitioner is granted the benefit of regular bail.

Keeping in view the above said facts and circumstances of the present case, more so, the fact that the petitioner was not armed with any weapon and injury no.5 which is stated to be dangerous to life, was caused by a weapon, and also the fact that the compromise has been effected in the present case, and Virender Singh co-accused of the petitioner has already been granted regular bail vide order dated 24.11.2021 and the case of the petitioner is on better footing than of Virender Singh inasmuch as Virender Singh was alleged of having sprayed red chilly powder on the wounds of the complainant, whereas no overt act has been attributed to the present petitioner and the petitioner has been in custody since 22.07.2021, and the challan has already been presented, and there are as many as 18 prosecution

witnesses and none of them have been examined so far and thus, the trial is likely to take time, more so in view of the present pandemic, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to his not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 14, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No