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

CRM-M-52407-2021

Date of decision : 21.12.2021

Virender

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Manish Dadwal, AAG, 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 has not been attributed any specific injury and was stated to be armed with iron pipe. It is further submitted that the matter has been compromised between the complainant and the accused persons and for the said purpose, reference has been made to compromise dated

20.08.2021 (Annexure P-2). It is further submitted that 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. It is further submitted that co-accused of the petitioner namely Virender Singh has already 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”**. It is also submitted that another co-accused of the petitioner namely Ajay Kumar has also been granted the benefit of regular bail by this Court vide **order dated 17.12.2021** passed in **CRM-M-51953-2021** and the case of the petitioner is similar to the said Ajay Kumar.

Learned State counsel has opposed the petition for bail and on instructions from ASI Daya Chand has not disputed the period of custody.

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 has not been attributed any specific injury and was armed only with iron pipe and also the fact that the compromise has been effected in the present case, 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, and also co-accused Virender Singh has been granted bail vide order dated 24.11.2021 and co-accused Ajay Kumar has been granted regular bail vide order dated 17.12.2021, 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.

However, 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.

21.12.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**