

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2313-2022 (O&M)
Date of Decision:-21.2.2022

Deepak @ Deepu

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Gollen, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

CRM-5333-2022

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 5.5.2022 and the main case is taken on board today.

CRM-M-2313-2022 (Main Case)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.340 dated 23.6.2021 at Police Station Pundri, District Kaithal under Sections 323, 324, 341, 307, 506, 34, 120-B of Indian Penal Code and Sections 25 and 27 of Arms Act.
2. Mr. Parveen Kumar, Advocate for Mr. Nishant Chauhan, Advocate has today put in appearance on behalf of the complainant/respondent No.2 and has filed *Vakalatnama*, which is taken on record.

3. The FIR in question was lodged at the instance of complainant Manish Kumar son of Lila Ram resident of Kakot District Kaithal, wherein the allegations are to the effect that on 22.06.2021, when he alongwith Sonu was going home at Village Kakot from Pundri on a scooty, then a white coloured Alto Car bearing registration No.HR-23C-2772 was coming from the side of Village Kakot and upon seeing the complainant, his scooty was got stopped by bringing the car to a halt in front of the same. It is alleged that the car hit against the scooty, due to which it lost the balance and the complainant alongwith Sonu fell down. It is alleged that Gurmeet alias Githu son of Anant Ram pressed the trigger of his unauthorized pistol three times by putting the same on the chest of complainant but the same did not work. The complainant tried to get up, on which Deepak alias Deepu son of Raj Pal (petitioner), who was armed with sword, hit with the same on complainant's left arm. On failure to fire a shot from the pistol, Gurmeet took the sword from Deepak alias Deepu and aimed it on the neck of complainant and the same hit on his left ear. One Gurmeet son of Meghraj resident of Teek came there in the car, upon which the accused namely Gurmeet & Deepu fled away from the spot. It is alleged that there was some kind of enmity between complainant and Praveen resident of Karora, who was a liquor vendor, and the assailants were sent by him to attack the complainant. The injured/complainant was medico-legally examined and MLR No.AK/GHK/600 dated 22.06.2021 of complainant/injured Manish Kumar described three injuries out of which injury No.1 i.e. an incised wound on left ear, was opined as simple in nature by the doctor concerned on 14.08.2021.

4. Learned counsel for the petitioner submitted that the FIR came to be lodged under some misunderstanding, which has now been resolved and the matter has been amicably compromised amongst the parties.
5. Learned counsel for the complainant has endorsed the factum of compromise and has submitted that he has no objection for grant of bail to the petitioner.
6. Opposing the petition, learned State counsel has, however, submitted that since the petitioner is specifically named in the FIR and is also attributed an injury with the help of a sword, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 8 months and that charges are yet to be framed and as many as 15 PWs have been cited. It has been informed that the petitioner happens to be involved in one more case for offence under Excise Act.
7. I have considered rival submissions addressed before this Court.
8. Without commenting anything as regards merits of the case but while noticing that the petitioner has been behind bars for a substantial period of 8 months and the matter otherwise is stated to have been compromised as has specifically been admitted by learned counsel for the complainant, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.2.2022

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**