

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2888-2022 (O&M)
Date of decision: 28.01.2022

Dharampal @ Chota and another

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Saneta, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Vinod Bhardwaj, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.05 dated 16.01.2021 under Sections 323, 307, 506, 34 IPC and Section 25/54/59 of Arms Act, registered at Police Station Jhansa, District Kurukshetra.

Learned counsel for the petitioners relies upon the order dated 22.12.2021 passed in CRM-M-23476-2021, vide which co-accused Suresh Kumar @ Billa has been granted the concession of regular bail, by passing the following order: -

“...For the reasons stated in the application and also in view of the

fact that the matter stands compromised between the parties, the present application is disposed of. Let the main case, which is fixed for 27.01.2022, be preponed and taken up today itself.

CRM-M-23476-2021 (O&M)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 05 dated 16.01.2021, registered under Sections 323, 307, 506, 34 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Jhansa, District Kurukshetra.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Ravi Kumar, it is stated that he has a Glass and Aluminum shop in Dhurala Market and four-five days ago, Dharmpal @ Chhota, Surender Kumar @ Kaal, Billa Bazigar, in connivance with each other, gave beatings to Vijay Kumar, who is the cousin of the complainant. When the complainant party reached at the spot, the accused persons ran away. Thereafter, on 16.01.2021, when the complainant had gone to Dharula in his friend's car, three boys came from Kurukshetra side on their motorcycle and accused Surender @ Kaal and Dharmpal @ Chhota called him by name. The accused persons caught hold of the complainant and co-accused Dharmpal @ Chhota fired with his country made pistol which hit on the left leg of the complainant. On this, the complainant raised noise and his cousin Sanjeev Kumar rescued him and the accused persons fled away from the spot along with the weapon.

Learned counsel for the petitioner further submits that the matter has now been compromised between the parties and has relied upon compromise dated 15.11.2021.

Learned counsel for the complainant has acknowledged the fact that there is a compromise between the parties.

Learned State counsel has filed the custody certificate and

has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 11 months and 03 days and he is not involved in any other case...”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioners submits that the matter has been compromised between the parties and has relied upon the panchayati compromise dated 15.11.2021 (Annexure P-3).

Learned State counsel as well as learned counsel for the complainant have not disputed the aforesaid fact.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.01.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No