

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

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**CRM-15805-2022 IN/&
CRM-M-5905-2022 (O&M)
Date of decision: 11.05.2022**

VIRENDER ALIAS CHAND

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Abhilaksh Grover and Mr. Sukhsharan Sra, Advocates
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

Mr. Namit Khurana, Advocate
for the complainant.

VINOD S. BHARDWAJ. J. (ORAL)

CRM-15805-2022

The instant application has been filed under Section 482 of the Code of Criminal Procedure for placing on record Annexure P-11 to P-14.

For the reasons stated in the application, same is allowed.

Annexure P-11 to P-14 are taken on record.

CRM-M-5905-2022

The instant 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.179 dated 08.11.2021 under Sections 323, 324, 341 and 506 of the Indian Penal Code, 1860 (Section 307 Indian Penal Code, 1860 added later on) registered at Police Station Sadar Jagadhari, District Yamuna Nagar.

The case of the prosecution recorded on the basis of statement of

Mohammad Sahil son of Iqbal Hussain Khan is to the effect that on 7th November 2021, he along with his friend Dimanshu and Gursewak had gone to attend marriage of their friend Ajay son of Mann Singh resident of village Gianewala and while on there way back after attending the marriage function, the car was being driven by his friend Dimanshu and when they reached on Bilaspur-Pabni road, a car came from Bilaspur side at a very high speed and the complainant was able to avert the accident with great difficulty. The complainant asked the driver about his reason to be so rash and negligent in his driving as he was likely to endanger the lives of the complainant at which the driver of the car came out armed with knife and tried to give knife blows to the complainant and his friends. The said knife blow hit on the left side near shoulder, on the waist and also on the right hand. The name of the driver was later on identified as Chand Ram son of Aandh (Nanda). The FIR in question was registered on the basis of the said statement. The accused was thereafter arrested and Section 307 IPC was added on opinion of the doctor.

Learned counsel for the petitioner has argued that the petitioner is in custody since 24th November 2021 and that the case in question has been falsely registered against the petitioner. There is no basis for the Police or the complainant to disclose the identity as it is not the case that the the petitioner was previously known to him. Moreover, even though three persons were accompanied and only the complainant had suffered injuries, however, none of the witnesses to the incident claimed to have noticed the registration number of the vehicle or its description. It is also pointed out that that during pendency of the proceedings before the Courts below, the matter has already been amicably resolved and the confusion and grievance of the complainant stands redressed. He places reliance upon the compromise executed between the parties and having been placed on

record as Annexure P-11, which is duly supported by affidavit executed by Mohammed Sahil as Annexure P-12 and the affidavit by the other victims namely Dimanshu and Gursewak as Annexure P-13 and P-14 stating that they do not have any grievance against the petitioner and have no objection to the indulgence being shown in favour of the petitioner. It is also contended that the investigation in the case is complete and a final report has already been filed and three witnesses out of total of 16 witnesses have been examined.

Learned State counsel has submitted that 3 knife injuries are attributed to have been caused by the petitioner without any pre-meditation and in a fit of uncontrolled rage. Besides, the said injuries were declared dangerous to life thus attracting Section 307 IPC. Learned State counsel however could not controvert the fact that the parties have amicably resolved the issue. There has been representation by Shri Namit Khurana, Advocate appearing on behalf of the complainant as well as the victims/witnesses and he has reiterated the factum of compromise (Annexure P-11) as well as validity of the affidavits submitted in support thereof.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration the facts noticed above as also the factum of compromise of the dispute amongst the parties and the affidavit duly sworn by the victims as well as injured/witnesses to the incident and which is verified and reiterated by the counsel representing the said victims and period of custody already undergone by the petitioner, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

May 11, 2022

S.Sharma(syr)

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