

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(264)

CRM-M-13778-2022

Date of decision: - 07.04.2022

Sohan

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sachin Kaushik, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.512 dated 29.11.2021, registered under Sections 379-A, 411 and 452 IPC, at Police Station Gohana City, District Sonipat.

Learned counsel for the petitioner has submitted that in the present case, a compromise has been effected between the complainant and the petitioner and a petition bearing CRM-M-13660-2022 under Section 482 Cr.P.C. for quashing of the above-said FIR on the basis of compromise has already been filed, in which, notice of motion has been issued and the same is now pending for 02.05.2022. It is further submitted that in the said petition, the complainant has also been represented

through counsel, who has also reaffirmed the fact with regard to the compromise. It is further submitted that in the present case no injury has been caused and the petitioner has been in custody since 08.12.2021 and the challan has already been presented and there are 11 witnesses, none of whom have been examined as yet. It is further submitted that the present petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that although, the petitioner was not named in the FIR, but in the supplementary statement, the complainant has named the present petitioner and he was the one who has snatched the gold chain from the complainant and the same has been recovered from him.

This Court has heard learned counsel for the parties and gone through the paper-book.

It is the case of the petitioner that the matter has been compromised and a petition bearing CRM-M-13660-2022 for quashing of above-said FIR on the basis of compromise has been filed, in which, notice of motion has been issued and the parties were directed to appear before the Illaqa Magistrate for recording of their statement, vide order dated 05.04.2022. Further, the complainant in the present case was represented by counsel, who has also appeared on 05.04.2022 in support of the petition. Moreover, no injury has been inflicted upon any person in the present case and the petitioner has been in custody since 08.12.2021 and the challan has already been presented and there are 11 witnesses, none of whom have been examined as yet and thus, the trial is likely to

take long time. The petitioner is not involved in any other case.

Keeping in view the abovesaid facts and circumstances, 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 him 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.

April 07, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No