

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

220

CRM-M-17328-2022

Date of Decision : **May 18, 2022**

SUNIL ALIAS LILLU

.....Petitioner

VERSUS

STATE OF HARYANA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Rakesh Kumar Lathwal, Advocate with
Mr. Man Mohit, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Mr. Anuj Arya, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

Status report has been filed by the State which is taken on record. Copy of the same has been supplied to learned counsel for the petitioner.

The present 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.174 dated 6.12.2021 under Sections 148, 149, 323, 506 (325, 307 added later-on) IPC, registered at Police Station Moohana, District Sonipat.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 8.12.2021 and the investigation of the case has been completed and thereafter challan has been presented before the trial Court. He submitted that it is a case where the allegations against the petitioner are that he had given a rod blow on the backside of the head of the injured-complainant and now since the investigation of the case has been completed and no recovery is to be

effected from the petitioner, he may be considered for the grant of regular bail. He further submitted that even otherwise also a compromise has been effected between the parties and although quashing petition based upon compromise has not been filed but the same is likely to be filed. He submitted that the trial of the case may take long time and, therefore, the petitioner may be considered for the grant of regular bail especially in view of the fact that the injured-complainant is hale and hearty. He further submitted that although the petitioner is involved in three more cases but he is already on bail in those cases.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 8.12.2021 and the investigation of the case has been completed and no recovery is to be effected from the petitioner. However, he has opposed the grant of regular bail to the petitioner on the ground that the injury inflicted was on the head of the complainant and he further submitted that the compromise, if any, between the parties is not sustainable since the matter pertains to Section 307 IPC. He further submitted that the petitioner is also involved in three more cases out of which two cases were pertaining to Section 323 IPC and one case pertains to Section 380 IPC.

Mr. Anuj Arya, Advocate has appeared on behalf of the complainant and has filed his power of attorney which is taken on record. He has categorically submitted that it is correct that a compromise has been effected between the parties with the intervention of the respectables and the respondent No.2 is hale and hearty.

I have heard the learned counsels for the parties.

The petitioner is in custody from 8.12.2021. The investigation of the case has been completed and as per the learned State counsel no further recovery is to be effected. The trial of the case may take long time. So far as the compromise between the parties is concerned, this Court without going into the legality and sustainability of the aforesaid compromise, is of the view that it can certainly constitute a

factor for considering the grant of regular bail atleast. The factum of compromise has been admitted by the learned counsel for respondent No.2 who is the complainant/injured in the present case. So far as the pendency of other cases against the petitioner is concerned, the same cannot become a ground for denial of bail because as per the learned counsel for the petitioner, the petitioner is already on bail in those cases.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

May 18, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No