

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(307)

CRM-M-21792-2022 (O&M)

Date of decision: - 25.07.2022

Hardik

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana.

Mr. Digvijay Lamba, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

CRM-19625-2022

This application has been filed under Section 482 Cr.P.C. for placing on record compromise dated 27.04.2022 as Annexure P-2.

Application is allowed, as prayed for. Copy of compromise dated 27.04.2022 (Annexure P-2) is taken on record, subject to all just exceptions.

CRM-M-21792-2022

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.160 dated 04.07.2021, under Section 379-A IPC (Sections 201, 412, 120-B and 34 IPC have been added later on),

registered at Police Station Civil Lines Rohtak, District Rohtak.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 05.08.2021 and the challan has already been presented and there are 12 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is stated that the petitioner was not named in the FIR and he was implicated in the present case on the basis of supplementary statement made by the complainant. It is further submitted that the matter has been settled vide compromise dated 27.04.2022 (Annexure P-2) and the same has been entered into between the petitioner through his father and the complainant Amit as well as his father Ram Bhagat. It is contended that as per the said compromise, the complainant and his father had specifically stated that they have no objection in case the FIR is quashed.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that the petitioner is involved in four other cases, out of which three are of similar nature and does not deserve the concession of regular bail.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in “**Maulana Mohd. Amir Rashadi Vs. State of U.P. and another**”, reported as 2012 (2) SCC 382 to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Learned counsel appearing on behalf of the complainant has submitted that the matter has been compromised without any undue influence or pressure and has stated that they have no objection in case the present petition is allowed and the petitioner is released on bail.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner is in custody since 05.08.2021 and the challan has already been presented and there are 12 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. The petitioner was not named in the FIR and on the basis of supplementary statement of the complainant, the petitioner had been made an accused. The matter has been settled, vide compromise dated 27.04.2022 (Annexure P-2) and as per the stand of learned counsel appearing for the complainant and his father Ram Bhagat, they have no objection in case the present petition is allowed and even the FIR is quashed and further that the said compromise has been entered into between the parties without any coercion or undue influence.

Keeping in view the abovesaid facts and circumstances as well as in view of the law down in **Maulana Mohd. Amir Rashadi's case** (*supra*), 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, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

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.

July 25, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No