

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

237

CRM-M-22220-2022 (O&M)

Date of Decision: 23.08.2022

MEHARBAN AND ORS

... Petitioners

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate,
Mr. Prabhdeep Singh Bindra, Advocate and
Mr. Siddhanth Arora, Advocate
for the petitioners.

Mr. Gagandeep Singh Chhina, AAG Haryana.

Mr. Simranjeet Singh Sidhu, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

CRM-23846-2022

Application is allowed, as prayed for.

Annexure P-6 is taken on record, subject to all just
exceptions.

Registry is directed to tag the same at an appropriate place.

CRM-M-22220-2022

Through this petition, the petitioners seek regular bail in
case bearing FIR No.138 dated 23.02.2022, registered at Police Station
Ladwa, District Kurukshetra, under Sections 307, 325, 323, 148, 149,
120-B and 506 IPC and Section 25 of the Arms Act, 1959.

Reply by way of an affidavit dated 03.08.2022 of the Deputy Superintendent of Police, Ladwa, filed on behalf of the respondent-State, in the Registry, is taken on record.

As per the prosecution version, 4-5 muffled faced persons attacked the complainant with dandas, bindas and iron rods and have snatched Rs.6,000/- from his jacket.

Learned Senior Counsel for the petitioners contends that the petitioners have falsely been involved in the present case; that the FIR was registered against some unknown persons; that the alleged occurrence took place on 21.02.2022; that the complainant got his supplementary statement recorded on 01.03.2022 stating therein that he had a suspicion that the petitioners were the ones, who have attacked him; that the petitioners have been in custody since 05.03.2022; that all the injuries on the person of the complainant were on the non-vital parts and simple in nature, except the injuries on his fingers, which have been declared grievous in nature, as would decipher from medical report (Annexure P-6). He further submits that the parties to the lis are first cousins and that now a compromise has been effected between the parties.

Per contra, while opposing the prayer for grant of regular bail to the petitioners, learned State counsel does not dispute the custody period of the petitioners. He, however, submits that the petitioners were the member of unlawful assembly and have actively participated in the

occurrence. He further submits that there were as many as eight injuries on the person of the complainant and that post presentation of challan, the charges are yet to be framed.

Learned counsel for the complainant does not dispute the factum of the compromise and submits that the complainant is not interested in pursuing the present FIR.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 05.03.2020. The compromise has been effected between the parties. There was no injury on the vital part of the complainant. Charges are yet to be framed and prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

23.08.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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