

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

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CRM-M-25737-2022 (O&M)
Date of decision: 27.10.2022

MANOJ @ SETHI

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.K. Girdhwal, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG Haryana.

AMAN CHAUDHARY. J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.98 dated 17.04.2004, under Sections 307 and 34 of the IPC and Sections 25/54/59 of the Arms Act registered at Police Station Sadar Bahadurgarh, Haryana.

Learned counsel contends that the petitioner was arrested on 13.01.2022 and on 19.03.2022 a compromise has been effected between the parties, Annexure P-5, pursuant to which ASI Yomesh, who had appeared before the learned Trial Court on instructions of SHO for recording of his statement in compliance of the order passed by this Court in CRM-M-12175-2022 dated 23.03.2022 (Annexure P-6), had stated that the factum of compromise has been verified by him and found to be without any pressure, undue influence, coercion or any threat and with the intervention of the respectable of the society. The eye-witness Savita wife of Suresh as also the complainant had also affirmed the factum of compromise effected between the parties in their statements (Annexure

P-6 colly) as recorded before the learned trial Court in this case.

Learned State counsel has not been able to controvert the factum of compromise, statements recorded by the learned trial Court as appended to this petition as Annexure P-6 (colly), and that the petitioner has been in custody since 13.01.2022.

I have heard learned counsel for the parties.

While considering the facts and circumstances of the case particularly that the petitioner has been in custody since 13.01.2022; compromise has been effected between the parties qua which statements of ASI, complainant and eye-witness have been recorded before the trial Court affirming the factum of compromise, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

October 27, 2022

S.Sharma(syr)

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