

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28690-2022
Date of decision : 13.07.2022

Mahinder @ Rinku

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Namit Khurana, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

Mr.Abhimanyu Singh, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.208 dated 06.04.2022 registered under Sections 307, 323, 341, 34, 427 IPC (Sections 148, 149 IPC deleted and Section 34 IPC added later on) and Sections 27/30-54-59 of the Arms Act at Police Station City Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 06.04.2022 and the challan in the present case has already been presented and there are 15 prosecution witnesses, out of which, none of them have been examined, thus, the trial is likely to take time. It is argued that on the night of alleged occurrence, in fact certain pigs were being stolen from the farm house of the petitioner and the petitioner had gone there only to ascertain the persons who have been

stealing his pigs and it is in the said confusion that the alleged incident had occurred. It is submitted that the alleged incident had taken place at 2:30 AM when the complainant along with his other friends were in a car. It is further submitted that a perusal of the FIR would show that there is enmity between the petitioner and the complainant. It is further submitted that in the present case, the matter has been compromised and the complainant/sole injured has given an affidavit dated 18.06.2022 (Annexure P-4) to the effect that he has no objection in case bail is granted to the present petitioner. It is further submitted that the petitioner is not involved in any other case.

Learned counsel for the complainant has submitted that the matter has been compromised and he has no objection in case the present petition is allowed and the petitioner is granted regular bail.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that one injury has been inflicted upon the complainant with a firearm on his neck and the said pistol has already been recovered from the petitioner.

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

The petitioner has been in custody since 06.04.2022 and the investigation is complete and the challan has been presented and there are 15 prosecution witnesses, out of which, none of them have been examined, thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. It is the admitted case of the petitioner and the complainant that the matter has been compromised. Affidavit dated 18.06.2022 (Annexure P-4) has been placed on record in which it has been

specifically stated by the complainant / sole injured that he has no objection in case the petitioner is granted the concession of regular bail.

Keeping in view the above said 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.

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.

(VIKAS BAHL)
JUDGE

July 13, 2022
Davinder Kumar

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