

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34177-2021
Date of Decision: 15.03.2022

KULDEEP

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kartar Singh, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

Mr. H.N.Sahu, Advocate for the complainant.
(Through video conferencing)

* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been placed on record.

Petitioner has prayed for grant of regular bail in case bearing FIR No. 989 dated 10.11.2018, under Sections 148, 149, 323, 294, 307 IPC and 27/54/59 of Arms Act (Section 326/354/506 IPC added later on), registered at Police Station City Ballabgarh, District Faridabad.

Briefly, the case has been registered on the basis of the statement of the complainant alleging that on 09.11.2018, the petitioner along with the co-accused had inflicted injuries upon the complainant. Furthermore, the petitioner was armed with Phawra and he had tried to inflict blow on the person of the complainant but in the meanwhile, a police constable came forward to rescue him and the blow landed on his forehead.

Learned counsel for the petitioner has contended that 9 persons have been arraigned as accused in the instant case. All the accused, except the petitioner have been released on bail, injured has been discharged from

the hospital and is hale and hearty, a compromise has been effected between the parties, investigation of the case is complete and challan has already been presented in the Court. Furthermore, a separate petition for quashing the FIR on the basis of compromise has also been instituted.

It has been further stated that a separate FIR bearing No. 988 dated 10.11.2018 was registered under Sections 333, 353, 186 IPC (Section 307, 506, 189 and 34 IPC added later on) at Police Station City Ballabgarh, District Faridabad against the petitioner for having inflicted injury upon the police official. The petitioner has been granted bail in the said case in terms of the order dated March 8, 2022 passed by the Co-ordinate Bench in CRM-M-52193-2021. He has further stated that although the petitioner is stated to be involved in 5 other cases but the reply placed on record by the State indicates that the petitioner has either been acquitted in those cases or the same have been quashed by this Court except the case bearing FIR bearing No. 988 dated 10.11.2018, wherein he has been granted bail by the Co-ordinate Bench of this Court.

Learned State counsel, on instructions of SI Jaipal and learned counsel for the complainant have not disputed the aforesaid factual aspect of the case. However, learned State counsel has opposed the bail application on the score that offence under Section 307 IPC is non-compoundable.

The controversy as to whether on the basis of compromise, the FIR can be quashed or not can be looked into in the separate proceedings which are pending in this Court. Moreover, the custody certificate indicates that the petitioner is in custody for 7 months and 13 days, the co-accused are on bail and the petitioner has been granted bail in the other FIR bearing No.

988 dated 10.11.2018 which pertains to inflicting injury on the person of

the police official in the same occurrence.

Considering the above and the fact that the conclusion of trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

15.03.2022

Janki

(VIVEK PURI)
JUDGE

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