

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

236

CRM-M-33044 of 2022 (O&M)

DECIDED ON: 4th August, 2022

Rohit Verma alias Mirchi

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Abhishek Jindal, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

Mr. Yashvir Kapila, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

This is second regular bail petition filed in case of FIR No. 166 dated 17.6.2021, under Sections 147, 149, 323, 365, 379-A IPC and later on added Section 341, 120-B, 379B (379A has been deleted) IPC registered at Police Station Dujana, District Jhajjar.

Earlier petition filed was dismissed on 2.6.2022 by passing a reasoned order.

The order is quoted below:

"This is a petition seeking regular bail in FIR No. 166 dated 17.6.2021, registered under Sections 147, 149, 323, 365, 379-A IPC and later on added Sections 341, 120-B, 379-B (Section 379-A IPC has been deleted) registered at Police Station Dujana, District Jhajjar.

The FIR was registered on the statement of Damanjeet. It was alleged that on 17.6.2021, Tarun and Mohit along with 8-10 boys came in a Verna and Swift Dezire car. They gave beatings to Hunny (brother of the complainant) and took him in the Swift Dezire car. Petitioner-Rohit @ Mirchi was named by victim in a statement recorded under Section 164 Cr.P.C.

Learned counsel for the petitioner submits that the petitioner is in custody since 11.3.2022, the petitioner was not named in the FIR. It is argued that the matter has been compromised between

the parties and a petition for quashing of FIR on the basis of compromise has been filed. The contention is that in the impugned order, prayer for bail was declined on the ground that the victim later committed suicide due to the beatings given in the incident, which is factually wrong. He further submits that on committing suicide by the victim, a separate FIR was registered in which the petitioner was not named.

Learned counsel for the State opposes the prayer for grant of bail. She submits that Verna car used in the incident was recovered from the petitioner. It is argued that the allegations in the FIR are serious as it is a case of abduction and snatching. She submits that as per the case set up, the offences committed are heinous and the FIR cannot be quashed on the basis of compromise. She further submits that the petitioner was specifically named by the injured.

The observations made hereinafter are only for the purpose of deciding the petition for regular bail and shall not be construed as an expression of opinion on the merits of the case.

The petitioner was not named in the FIR but the fact cannot be lost sight of that he was named by the victim in a statement recorded under Section 164 Cr.P.C. The evidentiary value of the statement would be subject-matter of trial. It would be a debatable issue as to whether the FIR involving offences of abduction and snatching can be quashed on the basis of compromise. Be that as it may, the compromise cannot be taken as a ground at this stage for grant of bail. The fact that the petitioner was not named in the subsequent FIR registered on committing suicide by the victim would be of no avail for grant of bail in the present case. The allegations in the present FIR are serious, there are chances of the complainant party being influenced, especially when other co-accused are yet to be arrested and compromise relied upon is an indicator of complainant being approached.

No case is made out for grant of bail.

The petition is dismissed."

While dismissing the earlier petition it was noticed that the main argument for seeking bail was that matter has been compromised. The prayer was rejected considering seriousness of allegations and there are chance of petitioner influencing the witnesses.

On a specific query from the Court as to what is the change in circumstance for filing the second petition, learned counsel for the petitioner submits that the petitioner has undergone two months more incarceration and that the petition for quashing of FIR has been filed.

There is no change in circumstances. The contention raised that petition for quashing of FIR has been filed, need not to be considered at this stage, as it will have to be determined whether the FIR involving Section 379-B IPC can be quashed on the basis of compromise.

No ground is made out for grant of bail.

Dismissed.

Since the main case has been dismissed, the pending application, if any is rendered infructuous.

4th August, 2022

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*