

CRM-M-34697-2022

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

CRM-M-34697-2022

Date of decision: 16.08.2022

Pawan Kumar

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. J.S.Thakur, Advocate,
for respondent No.2-complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.123 dated 21.04.2022, registered at Police Station Bhuna, District Fatehabad, under Sections 148, 149, 323 and 379-B IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and rather has been indicted on the disclosure statement of co-accused, Rahul, who had also been indicted on the disclosure statements of co-accused, namely, Jai Parkash and Pardeep; that recovery of a country-made pistol and a motor-cycle had been effected from co-accused, namely, Raj Kumar @ Saurav and Rahul, respectively; that the petitioner has been in custody since 25.04.2022 and that there is no other case registered or pending against the petitioner. Moreover, the

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compromise dated 01.08.2022 (Annexure P-7) has been effected between the petitioner and the complainant/injured.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith the co-accused had caused injuries to the complainant and his friends and also snatched their motor-cycle parked outside the shop, and that recovery of a baton had been effected from the petitioner.

Learned counsel for respondent No.2-complainant does not dispute the factum of compromise effected between the petitioner and the complainant/injured and that a petition for quashing of FIR, on the basis of compromise, has already been filed by the petitioner wherein notice of motion has been issued.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR and rather has been indicted on the disclosure statement of co-accused, Rahul, who had also been indicted on the disclosure statements of co-accused, namely, Jai Parkash and Pardeep.

The challan stands presented. However, the charges are yet to be framed. The petitioner has been in custody since 25.04.2022. There is no other case registered or pending against the petitioner. Moreover, the compromise dated 01.08.2022 (Annexure P-7) has been effected between the petitioner and the complainant/injured. The trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

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merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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