

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.35740 of 2022
Date of Decision: 22.08.2022

Hemant

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Yadav, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Ravi Kumar Girdhwal, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR bearing No.96 dated 08.04.2022, under Sections 379-B, 365, 120-B and 34 of IPC, registered at Police Station Salhawas, District Jhajjar, Haryana.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody from 08.04.2022. He further submitted that as per the prosecution, the allegation against the petitioner and other co-accused was that there was theft of a tractor from the complainant. However, these allegations were based upon misunderstanding of the complainant and thereafter even a compromise has been effected between the parties and has referred to Annexure P-3 which is an affidavit given by the complainant. He further submitted that the investigation of the case has already been completed and no recovery is to be effected from the petitioner especially

when the matter already stands compromised between the complainant and all the accused persons vide Annexure P-3 and, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody from 08.04.2022 and the investigation of the case has been completed. He further submitted that no recovery is to be effected from the petitioner. He submitted that so far as the compromise between the parties is concerned the same cannot be given effect to. He has also submitted that the petitioner is involved in other two cases.

Mr. Ravi Kumar Girdhwal, learned counsel has also appeared on behalf of the complainant and filed his Power of Attorney which is taken on record. He has submitted specifically that the matter has already been compromised and the FIR was lodged on the basis of some misunderstanding.

I have heard the learned counsel for the parties.

The petitioner is in custody from 08.04.2022. The investigation of the case has been completed. Even otherwise also the compromise has already effected between the parties as per the learned counsel for the petitioner and learned counsel for the complainant. The mere fact that the petitioner is involved in two more cases cannot become a ground for denial of bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty

Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

22.08.2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No