

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-36036-2022 (O&M)

Date of Decision: 9.11.2022

Manoj Soni and another

....Petitioners

VERSUS

State of Haryana and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Kanika Ahuja, Advocate
for the petitioners.

Mr. Vishal Kashyap, DAG, Haryana.

Ms. Kashish Sahni, Advocate,
for respondent No.2.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioners in case FIR No.163 dated 27.5.2022 registered for the offences punishable under Sections 365, 379-B, 395, 397, 506 IPC (Section 120-B IPC added later on) at Police Station City Pehowa, District Kurukshetra.

Counsel for the petitioners submits that FIR in the present case was registered against unknown persons who assaulted complainant-Govind and forcibly took away jewellery which he was possessing at the time of the occurrence. She further submits that later on, the petitioners were named as accused and resultantly, they were arrested on 30.5.2022. She further submits that the alleged recoveries have already been effected from both the petitioners and presently, they are lodged in judicial custody and they are

Counsel for the petitioners has further submitted that now compromise has been effected between the parties and in this regard, complainant-Govind has given affidavit Annexure P-2 in favour of the petitioners and similar affidavit has already been furnished before the Court of learned Additional Sessions Judge, Kurukshetra as is evident from Annexure P-3. So, prayer is made for grant of regular bail to the petitioners.

Counsel appearing on behalf of the complainant has not disputed the fact that now dispute has been settled between the parties and the concerned affidavit is Annexure P-2 and she further pleaded no objection if the present petition is allowed and the petitioners are granted bail.

State counsel on instructions from SI Sanjit Singh has not disputed the fact that the complainant gave his affidavit with regard to compromise before the Court of learned Additional Sessions Judge, Kurukshetra as is apparent from Annexure P-3. He further submits that recoveries have already been effected from both the petitioners and the investigation is in progress and it will take time for the police to present the challan.

I have considered the submissions made by the counsel for the parties.

As per custody certificate furnished by the State counsel, the custody of the petitioner comes out to be more than 5 months and both are having no criminal history. As has been stated by the State counsel, recoveries have already been effected from both the petitioners and presently, they are lodged in judicial custody and it will take time for the police to present the challan. Further, as has been admitted by the counsel

for the complainant, parties have effected the compromise.

In view of above, no useful purpose is going to be served by keeping the petitioners in custody for any further period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

November 9, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No