

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-36373-2022 (O&M)

Date of Decision: 9.11.2022

Charan Singh

....Petitioner

VERSUS

State of Haryana and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Vishal Kashyap, DAG, Haryana.

Ms. Kashish Sahni, Advocate,
for the complainant-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 petitioner 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 petitioner 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 petitioner was named as accused and resultantly, he was arrested on 30.5.2022. She further submits that the alleged recovery has already been effected from the petitioner and presently, he is lodged in judicial custody and he is having no criminal

Counsel for the petitioner 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 petitioner 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 petitioner is 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 recovery has already been effected from the petitioner 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.

State counsel has not disputed the period of custody of the petitioner who was arrested on 30.5.2022 and the petitioner is having no criminal history. As has been stated by the State counsel, recovery has already been effected from the petitioner and presently, he is 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 petitioner in custody for any further period.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his 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	Yes/No
Whether reportable	Yes/No