

221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-40677-2022

Date of Decision: September 12, 2022

SUMIT AND ANOTHER

....Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rajesh Goyal, Advocate  
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Dinesh Saini, Advocate  
for respondent No.2.

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**AMAN CHAUDHARY, J.(ORAL)**

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in respect of FIR No.396 dated 12.07.2022 under Section 323, 308, 341, 534 and 506 IPC, registered at Police Station Sadar Gohana, Sonapat, Haryana.

The brief facts of the case are that there was a scuffle between the petitioners and respondent No.2 wherein both the petitioners and respondent No.2 suffered injuries and after that incident respondent No.2 lodged the above mentioned FIR against the petitioners.

Learned counsel for the petitioner submits that it is a case of a scuffle which took place between co-villagers, on account of the fact that the complainant who was travelling in an auto and water splashed from water logging on the road which led to the said incident. Learned counsel for the petitioners further submits that the petitioners have been in custody for the

last 01 month and 22 days and the matter has since been compromised, which has been placed on record as Annexure P-3, with the intervention of the respectable of the village and family members of both the parties. Learned counsel for the petitioners further submits that there is no other case pending against the petitioners and the matter has since been compromised.

Learned State counsel states that the challan has been presented in this case and the next date of hearing before the trial Court is 13.09.2022.

Learned counsel for the complainant, who has appeared in this case confirms the factum of compromise (Annexure P-3) and states that he has no objection if the bail is granted to the petitioners.

Heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case that the occurrence took place at the spur of the moment on account of splashing of water that had been logged on the road; the matter has since been compromised; the same is affirmed by the learned counsel for the complainant; the petitioners are in custody for the last 01 month and 22 days; though the challan has been filed but charges are yet to be framed; the trial is yet to commence; there are total 13 prosecution witnesses in the case; as also the fact that the petitioners are stated to be not involved in any other case, thus, their further detention behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and

subject to them not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurise/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

This Court makes it clear that the observations made herein above are limited for the purposes of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

**12.09.2022**

*Sangeeta*

**(AMAN CHAUDHARY)  
JUDGE**

*Whether reasoned/speaking: Yes/No*  
*Whether reportable: Yes/No*