

CRM Nos.43288 and 43225 of 2022 in/and
CRM-M-45728 of 2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM Nos.43288 and 43225 of 2022 in/and
CRM-M-45728 of 2022 (O&M)
Date of Decision:15.11.2022

Ajay

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Japjit Singh, Advocate,
for the applicant-petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

CRM No.43225 of 2022

Notice in the application.

Mr. Naveen Singh Panwar, learned DAG, Haryana accepts notice on behalf of State of Haryana and has stated that he has no objection in case the complainant is impleaded as a party.

In view of the reasons mentioned in the application, the same is allowed and Partap Singh has been impleaded as respondent No.2.

Amended memo of parties is taken on record.

At this stage, Mr. Vijay Pal, Advocate appeared and has filed memorandum of appearance on behalf of respondent No.2.

CRM No.43288 of 2022

Vide this application, the applicant-respondent No.2 seeks to place on record a compromise.

For the reasons given in the application, the same is allowed and the accompanying compromise is taken on record subject to all just exceptions.

Main case

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of interim bail to the petitioner in FIR No.53 dated 12.02.2022, under Sections 307, 323, 324, 341, 379-B, 506, 120-B, 34 IPC and also Section 25 of the Arms Act, 1959, registered at Police Station Agroha, District Hisar.

It has been submitted by the learned counsel for the applicant that the petitioner has been falsely implicated in the present case and in the present case he is in custody from 11.05.2022 and the investigation of the case has already been completed and the report under Section 173 of the Code of Criminal Procedure has been submitted to the competent Court. He further submitted that the petitioner is not a habitual offender and he is not involved in any other case and the allegations against the petitioner were that he had sent the other co-accused who had caused injuries to the complainant namely Partap Singh. He further submitted that the present petition has been filed for grant of interim bail on the ground that the wife of the petitioner is pregnant and her delivery is expected on 22.11.2022 and there is no male member in the family to look after her. He submitted that even the State has filed an affidavit wherein the aforesaid factum has been verified and it has been so stated in para 3 of the affidavit that the delivery of the wife of the

petitioner is expected on 22.11.2022. Although the mother and grandmother of the petitioner are available at home but there is no male member in the family in this regard. He submitted that a compromise has been effected between the parties vide Annexure P-3 and rather the complainant also has got no objection in this regard.

Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from 11.05.2022 and it has been verified that the delivery of the wife of the petitioner is expected on 22.11.2022. He has however stated that the petitioner is involved in one more case.

However, the learned counsel for the petitioner has stated that the other case in which the petitioner is stated to be involved was also a dispute between the same party and the same also has been compromised between the parties and therefore that cannot become a ground for denial of interim bail to the petitioner.

I have heard the learned counsel for the parties.

The present petition is only for the grant of interim bail to the petitioner on the ground that the delivery of the wife of the petitioner is expected 22.11.2022. The petitioner is in custody from 11.05.2022 and the investigation of the case has already been completed.

Mr. Vijay Pal, Advocate who has appeared on behalf of respondent No.2 has categorically stated that a compromise has been effected between the parties.

In view of the aforesaid facts and circumstance, this Court deems it fit and proper to grant the interim bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on interim bail for a period of

four weeks w.e.f. 18.11.2022 subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned. Thereafter, on the expiry of four weeks, i.e. on 15.12.2022 he shall surrender back to the jail authorities.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

November 15, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No