

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47947-2022
Date of decision : 21.10.2022

Hemant

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Bhanu Udai, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.334 dated 16.11.2021 registered under Sections 323, 324, 506 read with Section 34 IPC (Section 326 IPC added later on) at Police Station Farrukhnagar, Gurugram.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 04.08.2022 and the investigation is complete and the challan has already been presented and there are 14 witnesses and out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is submitted that the compromise has been effected between the parties and the petitioner along with co-accused has already filed a petition under Section 482 Cr.P.C. for quashing of FIR on the basis of compromise i.e., CRM-M-30239-2022 in which report of Judicial Magistrate Ist Class,

bonafide. It is further submitted that the injury attributed to the present petitioner is although grievous, but is on a non vital part i.e., leg.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the present case the injury attracting Section 326 IPC has been attributed to the present petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 04.08.2022 and the investigation is complete and the challan has already been presented and there are 14 witnesses and out of which, none have been examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. The petitioner along with co-accused has already filed a petition under Section 482 Cr.P.C. for quashing of FIR on the basis of compromise i.e., CRM-M-30239-2022 in which report of Judicial Magistrate Ist Class, Pataudi, dated 03.08.2022 has been received as per which the compromise has been found to be genuine and bonafide. The injury attributed to the present petitioner is on a non vital part i.e., leg.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of

bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 21, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No