

CRA-S-2417-2022

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(269)

CRA-S-2417-2022

Date of decision: 29.11.2022

Ajay

...Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Ishita Jain, Advocate
for the appellant.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Sandeep Sharma, Advocate
for the complainant and victim.

VIKAS BAHL, J. (ORAL)

Challenge in the present appeal is to the order dated 20.08.2022, passed by the Additional Sessions Judge-1, Karnal, vide which the application filed by the present appellant for regular bail, in case FIR No.661 dated 05.08.2018, under Sections 307, 323, 452, 506 and 34 IPC; Section 25 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Karnal Civil Lines, District Karnal, has been rejected.

Learned counsel for the appellant has submitted that the appellant is in custody since 23.05.2022 and the investigation is complete and the challan has been presented in the present case. The appellant was

earlier granted the concession of regular bail vide order dated 06.09.2018 and he could not appear on account of the fact that the father of the appellant is a cancer patient and appellant was the only person to look after his father. It is further submitted that the appellant had surrendered on 23.05.2022 and since then, he has been in custody and that the matter has been compromised vide compromise dated 15.11.2022. Learned counsel for the appellant has referred to the affidavits of Sher Singh, who is the complainant and also Shyam, who is the affected person and has submitted that they have no objection if the FIR is quashed.

Learned counsel appearing for the complainant-Sher Singh as well as for victim-Shyam has reiterated the fact that the matter has been compromised and has submitted that they have no objection in case the present appeal is allowed and the appellant is granted the concession of regular bail.

On the other hand, learned State Counsel has opposed the present appeal for the grant of regular bail to the appellant and has submitted that in the present case, the appellant had threatened the complainant with a pistol and thus, does not deserve the concession of regular bail.

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

In the present case, the appellant was earlier released on bail vide order dated 06.09.2018 and the appellant could not appear on account of the fact that the father of the appellant was a cancer patient and appellant was the only person looking after his father. The appellant had surrendered

on 23.05.2022 and since then, he is in custody and that the matter has been compromised, vide compromise dated 15.11.2022 and the investigation is complete and the challan has been presented. It is the case of the appellant and the complainant Sher Singh as well as the affected person Shyam that the matter has been compromised and the said Sher Singh and Shyam have given their respective affidavits (Annexures A-4 and A-5) dated 15.11.2022 to the effect that they have no objection if the present FIR is quashed.

Keeping in view the abovesaid facts and circumstances, the present appeal is allowed and the impugned order dated 20.08.2022, passed by the Additional Sessions Judge-1, Karnal, is set aside and the appellant is directed to be released on bail subject to his furnishing bail / surety bonds to the satisfaction of the concerned trial Court /Duty Magistrate / Illaqa Magistrate and subject to his not being required in any other case..

Nothing stated above shall be construed as an 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 appeal.

November 29, 2022

naresh.k

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No