

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

CRM-M-10545-2023
Date of decision: 03.03.2023

Rajiv @ Raju

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Khari, Advocate
for the petitioner.

Mr. Harsh Vardhan Shehrawat, AAG, Haryana.

Mr. Pradeep Chhoker, Advocate
for respondent No. 2.

ARVIND SINGH SANGWAN, J. (Oral)

This is the third petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 573 dated 06.09.2021, registered under Section 307 IPC (Sections 285, 336, 506 of the IPC added later on) and Section 25 of the Arms Act, 1959 at Police Station Samalkha, District Panipat.

The earlier two petitions, bearing CRM-M-3573-2022 & CRM-M-39720-2022, were dismissed as withdrawn, vide orders dated 05.07.2022 and 14.11.2022, respectively.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the petitioner is in judicial custody for the last more than 01 year and 05 months and the matter stands

compromised between the parties and the petitioner has even filed a petition bearing CRM-M-10939-2023 before this Court seeking quashing of the compromise on the basis of the said compromise as it is a case where no injury was caused. It is further submitted that in the compromise petition, this Court has issued notice of motion on 02.03.2023 and has directed the parties to appear before the trial Court/Illaqua Magistrate for recording of their statement in support of the compromise.

As per allegations in the FIR, registered at the instance of respondent No. 2/complainant Sunil, it is stated that on 06.09.2021 at about 11:00 PM, when he was in his house, he heard the sound of a bullet motorcycle and thought that it was the motorcycle of his brother Dilbagh. When the complainant looked outside the gate of his house, he saw that Raju (present petitioner) was coming towards his house and on seeing the complainant, he took out a revolver from his pocket and fired at him with an intention to kill, however, the complainant escaped from the same by entering into his house.

Reply, filed by way of the affidavit of the DSP, Panipat, is taken on record.

Learned State counsel has also filed the custody certificate, according to which, the petitioner is in judicial custody for the last 01 year, 05 months and 23 days. Learned State counsel has not disputed the fact that the matter stands compromised between the parties.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid undisputed facts and the long custody of the petitioner, the

instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

03.03.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>