

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

CRM-M No.15855 of 2023 (O&M)

Date of decision: 28th March, 2023

Amit Verma

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.86 dated 03.03.2023 under Sections 147, 148, 149, 379-B, 427, 436, 448, 506, 511 IPC registered at Police Station Narwana City, District Jind.

Learned counsel for the petitioner inter alia contends that all the other similarly placed co-accused had been extended the concession of bail by the trial Court at Jind on the basis of a compromise (Annexure P-5) dated 16.03.2023 arrived at between the parties, however the petitioner had been declined the same concession on account of his alleged involvement in four other criminal cases which stand reflected at page No.23 of the petition.

Learned counsel submits that in fact it was factually incorrect that the petitioner was involved in these four cases. He

submits that it was a matter of record that all these 4 cases were not registered against the petitioner but against the co-accused Ajay who has since been extended the concession of bail by the trial Court. He further submits that it was essentially on account of a civil dispute between the parties that the FIR in question came to be registered which however, was soon thereafter compromised vide Annexure P-5. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Notice of motion.

On the asking of Court, Mr. Viney Phogat, Dy. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent/State. Mr. Lokesh Sharma, Advocate has entered appearance and filed his power of attorney on behalf of the complainant to assist the State.

Learned State counsel assisted by learned counsel representing the complainant, has not been able to controvert that the other 4 criminal cases were registered against the co-accused Ajay and not against the petitioner. Learned counsel for the complainant has not disputed the submissions made by the counsel opposite about the petitioner and the complainant having ironed out their differences and arrived at an amicable settlement vide Annexure P-5.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 05.03.2023. In the facts and circumstances, as enumerated hereinabove, particularly in view of the fact that the matter stands amicably settled between the parties and also that the case of the petitioner is on similar footing as that of his co-accused, who have since been extended the concession of bail by the trial Court, this Court deems it fit to allow the instant petition. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 28, 2023
rps

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