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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31843-2023 (O&M)
Date of decision : 21.11.2023

Amit Khokkar @ Amit Khokhar ... Petitioner(s)
Versus
State of Haryana and Another ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashok Giri, Advocate for
Mr. R.S. Mamli, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana for respondent No.1.

Mr. Deepak Kumar, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

CRM-27776-2023

This is an application for amendment of the name of the petitioner.

For the reasons stated in the application, the application is allowed subject to all just exceptions. The Amended memo of parties is taken on record.

CRM-M-31843-2023

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0061 dated 08.02.2023 under Sections 354-A, 354-D, 384, 419, 420, 427, 499, 506, 509 of the Indian Penal Code, 1860 and Section 66(D) of the Information Technology Act, 2000 registered at Police Station Sector 7, Panchkula, District Panchkula (Annexure P-1).

2. Learned counsel for the petitioner would contend that the parties have since compromised the matter and a petition being CRM-M-32671-2023 titled as “Amit Khokhar Vs. State of Haryana and Anr.” for quashing of the aforesaid FIR on the basis of the compromise dated 30.06.2023 has also been filed before this Court in which the statements of the parties have been directed to be recorded on 11.12.2023. It is further the contention of learned counsel for the petitioner that the petitioner has been in custody for a period of 09 months and 06 days and that he has absolutely clean antecedents.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 09 months and 06 days. Learned counsel for the State is not in a position to deny that the parties have since compromised the matter and a petition being CRM-M-32671-2023 has also been filed before this Court and further that there is no other case pending against the petitioner.

4. Learned counsel for the complainant-respondent No.2 has contended that the matter has been compromised between the parties and the parties have also filed a petition being CRM-M-32671-2023 for quashing of the FIR on the basis of the compromise.

5. Heard.

6. In the present case, during the pendency of the trial, the parties have since compromised the matter and have also preferred a petition being CRM-M-32671-2023 titled as “Amit Khokhar Vs. State of Haryana and Anr.” before this Court for quashing of the aforesaid FIR on the basis of a

compromise dated 30.06.2023 in which the statements of the parties have been directed to be recorded on 11.12.2023. As per the custody certificate, the petitioner has been in custody for a period of 09 months and 06 days and that there is no other case pending against him. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

7. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

21.11.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO