

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No. 213

CRM-M No.53384 of 2023

Date of Decision: 09.11.2023

Jagdeep @ Bholu

.....Petitioner

Vs.

State of Haryana & anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Anshumaan Dalal, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, D.A.G., Haryana.

Mr. Amarjeet S. Prajapati, Advocate,
for respondent No.2.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.132 dated 07.03.2022, under Sections 323, 34 and 506 of the IPC, (Sections 307 & 325 IPC were added later on) registered at Police Station Meham, District Rohtak.

Learned counsel for the petitioner submitted that the FIR was initially registered under Sections 323, 34 and 506 of the IPC and later on Sections 307 & 325 IPC were added. He submitted that the petitioner is in custody from 18.03.2023 and the investigation has already been completed. Even otherwise also a compromise has been effected between the parties and has referred to Annexure P-5 in this regard. He further submitted that the petitioner has clean antecedents and is not involved in any other case.

He submitted that although the trial is at its fag end but considering the aforesaid long custody of the petitioner, he may be considered for grant of regular bail.

Learned State counsel has submitted that he has no knowledge with regard to the compromise effected between the parties. Even otherwise also compromise under Section 307 IPC is not permissible. He has further submitted that the investigation has already been completed in the present case and the petitioner is not involved in any other case.

Learned counsel for respondent No.2 has submitted that a compromise has been effected between the parties.

I have heard the learned counsel for the parties.

The petitioner is in custody since 18.03.2023 and as per the learned counsel for the parties, the investigation has already been completed and compromise has already been effected between the petitioner and respondent No.2.

This Court does not wish to go into the permissibility of the compromise which has been effected vide Annexure P-5 in view of the judgment of Hon'ble Supreme Court in **State of Madhya Pradesh Vs. Laxmi Narayan and ors.**, 2019 (2) SCC (CrI.) 706, however this Court only for the purpose of considering grant of regular bail, referred to the aforesaid compromise.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

09.11.2023

monika

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No