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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 60129 of 2023
Date of decision:- 30.11.2023

VINOD KUMAR ALIAS BINNU

... Petitioner

Versus

STATE OF HARYANA & ANOTHER

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Preeti Singh, Advocate for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
0485	27.09.2023	323, 34, 341, 365, 506 IPC (367 IPC added lateron)	Bhiwani City, District Bhiwani

2. Learned counsel for the petitioner contends that he is innocent and has been falsely implicated in this case at the instance of respondent No.2. He submits that with the intervention of the respectables a compromise has been effected between the petitioner and respondent No.2 and qua that the petition under Section 482 Cr.P.C for quashing of the FIR has already been filed vide CRM-M-55250 of 2023 which is pending for

24.01.2024 and in the meanwhile the petitioner is ready to join the investigation, hence he prayed for grant of concession of bail to the petitioner.

3. Notice of motion.

4. On asking of Court Ms. Gaganpreet Kaur, DAG, Haryana accepts notice on behalf of the State and submits that considering the nature and gravity of the offence the petitioner does not deserve the concession of anticipatory bail.

5. Mr. H.S. Gharoo, Advocate has put in appearance and filed Power of Attorney on behalf of respondent No.2-complainant, the same is taken on record. He submits that the compromise has been effected between the parties regarding which quashing petition has already filed and the complainant has no objection if the petitioner is granted the concession of bail.

6. Considering the submissions made by the counsel for the parties, it transpires that FIR in question was registered on the basis of complainant moved by respondent No.2 claiming that on 25.09.2023 while he was going to his house on motorcycle then three persons intervened and in the meanwhile two others persons came there on motorcycle and abducted him and caused beatings to him. Thereafter, he escaped and got medical treatment.

7. From the statements made by learned counsel for the parties, it is evident that compromise has already been effected between the parties regarding which quashing petition No. CRM-M-55250 of 2023 has been filed and the same is pending for 24.01.2024. Even the learned counsel

appearing for respondent No.2- Complainant has admitted the factum of compromise and pleaded no objection in case the bail is granted to the petitioner.

8. Resultantly, without commenting on the merits of the case, the present petition is, hereby, allowed and the petitioner is directed to join the investigation within seven days from today and in the event of arrest of the petitioner, the petitioner is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

9. The petition stand allowed.

10. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

30.11.2023

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No