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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 63315 of 2023

Decided on :- 20.12.2023

SADHU VISHNU BHAI LAXMAN DAS

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Abhishek, Singla, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Salil Sabhlok, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 11.12.2023, the same are taken on record, copy supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
236	24.06.2023	406, 419, 420, 465, 467, 468, 471, 120-B IPC	Pehowa, Kurukshetra

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and has no connection whatsoever with the alleged occurrence. He submits that petitioner is in custody since 08.08.2023 and the challan has already been presented in the present case which is triable by the court of Magistrate, as such he prays for grant of concession of bail.

4. Learned State counsel on the other hand has opposed the bail application by submitting that the nature and gravity of offence did not entitle petitioner to the concession of bail and the same may be dismissed.

5. Mr. Salil Sabhlok, Advocate has put in appearance on behalf of complainant and filed Vakalatnama, the same is taken on record. He submits that he has instructions from the complainant to say that a settlement has been effected between the complainant of the case namely Shiv Kumar and Suresh Kumar with the present petitioner and they have furnished affidavits dated 29.11.2023 (Annexure P-6 and P-7) respectively to this effect and they have no objection if the petition is granted concession of bail. Faced with this situation, learned State counsel has not raised any objection.

6. Considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 18.08.2023, challan has already been presented in court and the fact that complainant and the petitioner had settled their dispute and to this fact complainants have filed affidavits dated 29.11.2023 (Annexure P-6 and P-7) respectively, no useful purpose would be served by detaining the petitioner in custody any longer as

the conclusion of trial to ascertain criminal liability, if any of the petitioner will take sufficient long time.

7. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.12.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No