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CRM-M-63515-2023
Date of decision:21.12.2023

UDITYA @ SHUNTY

... PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Manoj Pundir, Advocate
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Ms. Manu Sangwan, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

1. This is the 1st petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in:-

FIR No.	Dated	Police Station	Sections
500	08.09.2023	City Jagadhri, District Yamuna Nagar	147, 149, 323, 379-B, 427, 452 and 506 of IPC, 1860

2. Ms. Manu Sangwan, Advocate has put in appearance on behalf of the complainant and has filed Power of Attorney, which is taken on record.

3. Version of the prosecution is that FIR, Annexure P-1, has been lodged on the statement of Prince alleging that on 07.09.2023 at

11.00 P.M., when he was at his home with his family members, Danis, who is his brother's friend and Aadi came on a motorcycle. They parked outside his house and called out for his brother. In the meanwhile, 5-6 other boys came on the spot on motorcycle and assaulting them. Jyoti, complainant's mother, his siblings Sagar and Priya came out and tried to intervene. One of the assailants was Uditya @ Shunty (present petitioner), who assaulting them with sticks, entered his house and threw brick bats. When the complainant and his family members raised an alarm, all of them fled and took the motorcycle, on which Danis had come to his house.

4. Counsel for the petitioner submits that the genesis of the FIR is a minor dispute between youngsters and the matter has been amicably resolved by compromise deed dated 28.10.2023, Annexure P-3, with the intervention of elders and family members. He submits that the complainant has executed an affidavit, Annexure P-4, in support of the settlement. Still further, by making a reference to affidavit dated 26.09.2023, Annexure P-2, executed by Rajat, owner of the motorcycle, he submits that Rajat has deposed that the motorcycle was never snatched. Counsel submits that the petitioner, who is a young boy with clean antecedents, is no longer required for custodial interrogation as investigation qua him is complete and he deserves to be enlarged on bail.
5. Per contra, State counsel upon instructions, has opposed the petition and submits that the petitioner has been named in the FIR

and there are specific allegations against him. As per his instructions, the petitioner is the instigator and at his behest, the complainant and his family members were attacked. He has confirmed that *challan* has been presented, but submits that charges have not been framed. State counsel has filed custody certificated dated 20.12.2023, which is taken on record.

- 6. Counsel for the complainant has affirmed that he has executed affidavit, Annexure P-4, and a settlement has been effected.
- 7. I have considered the submissions made by counsel for the parties and perused the paper-book with their able assistance.
- 8. The role ascribed to the petitioner will remain a subject matter of debate before the Trial Court. The dispute has been settled and compromise, Annexure P-3, has been supported by counsel for the complainant. Noticing the above as well as the affidavit of Rajat, this Court has no hesitation in accepting the prayer made in the petitioner.
- 9. Without adverting to the merits or de-merits of the arguments addressed, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
- 10. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

21.12.2023

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No