

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

240

2024:PHHC:010556

CRA-S-250-2024

Date of decision: January 25th, 2024

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nitish Yadav, Advocate
for the appellant.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The appellant is impugning the order dated 06.11.2023 passed by learned Additional Sessions Judge, Rewari, whereby his application under Section 439 Cr.P.C. for grant of bail in case FIR No.277 dated 02.10.2023 under Sections 307, 506, 34 of the IPC, Section 25 of the Arms Act and Section 3 of the SC/ST Act, registered at Police Station Kosli, has been dismissed.

2. Learned counsel for the appellant submits it is a case of no injury and the only allegation which was levelled against the appellant was of having fired in the air. It has been further submitted that after the registration of the FIR in question, the appellant was arrested on 06.10.2023. The parties had, in the interregnum, ironed out all their differences and effected an amicable settlement, for which they would be approaching this Court under Section 482 of the Cr.P.C. for the purpose of quashing of the FIR in question. A prayer has, therefore, been made that since the challan stands presented and

charges framed, even otherwise, there is no possibility of the trial concluding in the near future as 21 witnesses have been cited by the prosecution, the appellant be extended the concession of bail.

3. Mr. Abhishek Dhull, Advocate, has entered appearance on behalf of the complainant and has filed his power of attorney, which is taken on record. He does not dispute the submissions made by the counsel opposite and has also not opposed his prayer for being enlarged on bail.

4. Learned State counsel, on instructions from S.I. Ashok, has also not disputed that it is a case of no injury, coupled with the fact that charges already stand framed.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances as enumerated hereinabove when concededly it is a case of no injury and the parties have compromised the dispute, further incarceration of the appellant would serve no useful purpose.

7. Accordingly, the instant appeal is allowed and the impugned order dated 06.11.2023 is set aside. The appellant be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

January 25th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No