

(225)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7046-2024
Date of Decision: 13.03.2024

SORAV

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rohit Kumar, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.240 dated 30.04.2023 registered under Sections 379B, 34 IPC, 1860 at Police Station Industrial Area, Sector 29 Panipat, District Panipat, Haryana.

2. The present FIR came to be registered at the instance of Gulfan Hasan and the same reads as under:-

“Copy of the complaint is criminal in nature. To SHO, P.S Industrial sector 29. Sir, it is requested that my name is Gulfam Hasan, son of Mohd. Haneef, resident of district Shahjahpur village Nekpur Vinladpur, resident of U.P. at present village Siwah, near Gupta Factory, I came back to Panipat from Rajasthan by train, I sat in an e-rickshaw from the railway station. On the way to go to my brother in village Siwah, I came near a liquor vend on the other side of GT Road, in front of village Nangal Khedi and took an e-rickshaw, he turned it towards Sector 25 and then went a

short distance in the dark and there e-rickshaw driver and one Another person who was sitting in the rickshaw, both of them caught me, beat me up or snatched my phone. I had 150 rupees in my purse, they also took it out or threw me on the ground and ran away. The brand of my phone was Carbon K9, whose color was red black, in which my phone no.8299265372, my phone please be given to me or my money should be given to me. Legal action should be taken against them. Applicant LTI Gulfan Hasan DT. 30.04.2023 Mob No.8543805491 8299265372.”

3. The learned counsel for the petitioner contends that a compromise has been arrived at between the parties and in furtherance of the same, CRM-M-65460-2023 has been filed in which this Court has ordered the recording of the statements in support of the compromise (Annexure P-2). As the petitioner was in custody since 30.04.2023 but only 04 out of the 08 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that serious allegations had been levelled against the petitioner and therefore, the petitioner was not entitled to the concession of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 30.04.2023, only 04 out of the 08 prosecution witnesses had been examined so far and that a compromise (Annexure P-2) has been arrived at between the parties.

5. I have heard the learned counsel for the parties.

6. Admittedly, a compromise has been arrived at between the parties because of which CRM-M-65460-2023 has been filed in which

directions have been issued by this Court for recording of the statements of the parties in support of the compromise (Annexure P-2). The petitioner is stated to be a first-time offender, in custody since 30.04.2023 and only 04 out of the 08 prosecution witnesses have been examined so far. In this situation, his further incarceration is not required.

6. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sorav son of Yad Vir is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

7. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.03.2024
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No