

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11488-2024
Date of Decision: 11.3.2024

Sunil

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ankur Malik, Advocate
for the petitioner.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.381 dated 7.7.2022 registered for the offences punishable under Sections 148, 149, 307, 323, 380, 454, 506 IPC and Sections 25 and 27 of Arms Act at Police Station Israna, District Panipat.

2. As per allegations, on the day of occurrence i.e. 7.7.2022, Jagbir Singh father and Arvin Kumar brother of the complainant had received information that some persons were committing theft from their grocery shop and then they reached the spot where the present petitioner, Sahil and other 8-10 persons were found present and when the complainant party tried to stop them, the petitioner and other accused also attacked them.

3. Counsel for the petitioner submits that both the parties are closely related to each other and were having dispute with regard to their

immovable property and now the matter stands compromised and compromise quashing petition is filed having CRM-M-4071-2024 wherein the parties have got recorded their statements in compliance of order dated 25.1.2024 (Annexure P-3). It is further submitted that the petitioner is in custody for the last more than 10 months and is presently lodged in judicial custody and it will take considerable time for the trial to conclude as the trial is at its initial stage.

3. Notice of motion.

4. Mr. Vishal Kashyap, DAG, Haryana accepts notice on behalf of the State and on instructions from SI Davinder Kumar submits that firearm injury is attributed to the petitioner. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 10 months and till date, the prosecution has examined only one witness out of total 21 witnesses. State counsel has not refuted the fact regarding pendency of CRM-M-4071-2024 wherein order dated 25.1.2024 (Annexure P-3) is passed.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner is in custody for the last more than 10 months and it will take time for the trial to terminate. From the perusal of Annexure P-3, it appears that now the parties have entered into compromise. So, in the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to

the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 11, 2024

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No