

2024:PHHC:085193



218.

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

CRM-M-18735-2024

Date of decision: 09.07.2024

Pushpender Singh and another

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Manju Singh, Advocate, for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners, during the pendency of trial, in case FIR No.746, dated 03.09.2023, registered under Sections 323, 325, 307, 506, 201 and 34 of IPC at Police Station Sector 58, Faridabad.

2. As per the version of prosecution, on 03.09.2023 at about 2:00 PM, when the complainant-Deepak Kumar Singh was parking his scooty inside his house, then Pushpender and Himanshu (petitioners herein) came in their auto-rickshaw and started using filthy abuses to him. After parking his scooty inside the house when the complainant came outside, at that time, they had left. Thereafter, the complainant along with his friends/ neighbourer Jairam Pandey and Deepak Kumar went to the house of Pushpender to complain about his act and conduct and his mother

apologized for his act. However, when the complainant along with his neighbourer were returning back, said Pushpender and Himanshu attacked the complainant from behind with bricks and stones, due to which, he suffered injuries. They were stopped by his said friends from doing so.

3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present FIR. The petitioners are in custody since 03.11.2023. Investigation in the case has been completed and challan has been presented to the concerned court. It is further submitted that the petitioners are brothers and the complainant is their neighbourer. The matter has been compromised between the complainant and the parents of the petitioners. The statement of the complainant has also been recorded before the trial Court on 04.07.2024. A certified copy thereof is placed on the file, which is taken on record.

4. Learned State counsel has opposed the bail petition by contending that the offences are non-compoundable and the petitioners do not deserve the concession of bail.

5. I have heard the submissions of learned counsel for the petitioners, learned State counsel and have gone through the paper book.

6. The extract of the statement recorded by the complainant as PW1 on 04.07.2024 before the learned Additional Sessions Judge, Fast Tract Court, Faridabad, reads as under:-

“Stated that I had gone to the police station Sector 58, Faridabad on 03.09.2023. I had suffered an injury in my head on the same date. I was hit on my head by Himanshu by use of

a stone. I was bleeding, I had lodged the statement Ex.P1/PW1 against Himanshu at the police station, which bears my signatures. I had myself got recorded my statement to the police at the police station. I was medicolegally examined at Ballabgarh from where I was referred to B.K. Hospital at Faridabad and further to Safdarjang Hospital, at Delhi. I remained admitted in hospital for five days. Both the accused have been seen through VC. They both were together. Himanshu had hit me.”

6.1 From the perusal of above statement, this Court is not inclined to grant bail to Himanshu, petitioner No.2.

6.2 Faced with this situation, learned counsel for the petitioners seeks to withdraw present petition qua petitioner No.2-Himanshu.

6.3 Ordered accordingly. Present petition qua petitioner No.2-Himanshu stands dismissed as withdrawn.

7. Considering the fact that the matter has been compromised by the complainant with the parents of petitioners and in this respect, complainant has also recorded his statement before the trial Court and no specific injury has been attributed to petitioner No.1-Pushpender Singh, coupled with the fact that trial in the case will take long time to conclude, this Court deems it appropriate to release petitioner No.1 on bail.

8. Accordingly, without commenting on the merits of the case, the present petition is allowed qua petitioner No.1-Pushpender Singh and he is ordered to be released on regular bail subject to his furnishing bail

bonds/surety bonds to the satisfaction of concerned learned trial Court/Duty Magistrate.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial court shall decide the case on the basis of material available before it.

10. Present petition stands disposed of accordingly.

(GURBIR SINGH)
JUDGE

July 09, 2024
sanjeev

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