

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

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CRM-M-20030-2024

Date of decision: 29.4.2024

BHOOPENDER

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

**Present:- Mr. Tarun Yadav, Advocate
for the petitioner.**

Mr. Rajesh Gaur, Addl.A.G., Haryana.

Ms. Parul, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C in case FIR No.91 dated 05.03.2024 registered under Sections 379-B, 365, 506, 34 IPC, 1860 registered at Police Station, Sector 56, Gurugram, Dist. Gurugram.
2. Learned counsel for the petitioner submits that he has been in custody since 6.3.2024 for allegedly threatening and assaulting the complainant and thereafter forcefully getting him to transfer Rs.11,500/- and Rs.38,000/- into the account of the accused including the petitioner.
3. Learned counsel has submitted that the petitioner has been falsely implicated in the case in hand which is further evident from the fact that subsequently the parties had ironed out their differences by way of a compromise (Annexure P-2), wherein, it stands reflected that it was on account of some bona fide mistake that the case in hand had been registered
4. Learned counsel has also submitted that after the compromise (Annexure P-2) was effected between the parties and petition under Section

482 Cr.P.C. had been filed for quashing of the FIR in question, wherein a Co-ordinate Bench of this Court had issued notice of motion and directed the co-accused to get their statements recorded with respect to the compromise so effected.

5. Ms. Parul, learned counsel appearing for the complainant has filed her memo of appearance and has not disputed the submissions made by the counsel opposite. She has also not opposed the prayer made for extending the concession of bail to the petitioner, who is now in custody since 6.3.2024.

6. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from Inspector Vinod Kumar, has not been able to controvert that the petitioner is not involved in any other criminal case.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

April 29, 2024
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(MANJARI NEHRU KAUL)
JUDGE