



CRM-M-22013-2024

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

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**CRM-M-22013-2024  
Date of Decision: 08.05.2024**

Sunil

..... Petitioner

Versus

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. AG, Haryana.

Ms. Shweta Bawa, Advocate for respondent No.2/complainant.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.202 dated 27.09.2021, under Section 147, 149, 323, 307, 506 IPC, registered at Police Station Jui Kalan, District Bhiwani.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 6 months and 29 days and it is a case of version and cross version and even the petitioner has also suffered injuries in the present case. He further submitted that the investigation of the case has already been completed and thereafter, challan has also been presented before the Competent Court and since it was a dispute between the neighbours, the same has already been resolved between them vide Annexure P-7 and even the witnesses, who were examined, have turned hostile before the learned trial Court. He also submitted that although the petitioner is involved in one

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more case i.e. under Sections 148, 149, 195-A, 323, 341 & 506 IPC, but that case was also between the same parties, since there was a dispute between the neighbours and therefore, that cannot become a ground for denial of regular bail to the petitioner. He submitted that considering the aforesaid facts and circumstances of the case, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Gaurav Jindal, learned Addl. AG, Haryana has filed the custody certificate of the petitioner in Court today and the same is taken on record. He submitted that so far as the custody of the petitioner is concerned, the same is correct but so far as the reliance placed by the learned counsel for the petitioner on the compromise vide Annexure P-7 is concerned, the same is not permissible under the law since the matter pertains to Section 307 IPC. He further submitted that the petitioner is involved in one more case pertains to Sections 148, 149, 323, 341 & 506 IPC, but as per his instructions that case was also between the same parties, who are the neighbours. So far as the trial of the case is concerned, he submitted that the witnesses, who have been examined, have not supported the prosecution version and they are declared hostile.

4. Ms. Shweta Bawa, Advocate has caused appearance and filed her Power of Attorney on behalf of the complainant and submitted that an amicable compromise has been effected between the parties, who are neighbours.

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

6. It is a case where the petitioner has faced incarceration for 6 months and 29 days and as per the learned counsel for the parties, some of



the material witnesses, who have already been examined, have not supported the prosecution version and they are declared hostile. It is a case of version and cross version and the FIRs have been lodged on the basis of the complaints made by both the parties. Learned counsel for the petitioner has referred to Annexure P-7 which is a compromise between the parties and learned counsel for respondent No.2/complainant has also stated that the aforesaid compromise has been effected between the parties amicably in order to remove misunderstandings between them. However, this Court is of the view that the aforesaid compromise was for an offence under Section 307 IPC and *prima facie*, the same may not be permissible under the law. Therefore, this Court does not wish to make any observation with regard to the enforcibility of the aforesaid compromise vide Annexure P-7, but only for the purpose of considering the prayer for grant of regular bail to the petitioner, this Court is of the view that considering the aforesaid facts and circumstances, the petitioner deserves the concession of regular bail.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

08.05.2024

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |