



CRM-M -27508-2024

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

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Date of Decision : **July 02, 2024**

HARUN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Tarun, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.52 dated 02.02.2024, Under Sections 325, 394, 395, 397, 342, 412 and 450 IPC, registered at Police Station Sector-56, District Gurugram.
2. Learned Counsel for the petitioner submits that the petitioner has suffered incarceration for about 4 months, and he is not involved in any other criminal case. He further submits that the matter has been amicably settled between the parties. The attention of the Court is also drawn to the *Zimni orders* passed by the learned Judicial Magistrate 1st Class, Gurugram dated 30.03.2024 for the purpose to establish that the complainant has refused to identify the accused persons on account of



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darkness.

3. The learned State Counsel has opposed the grant of regular bail to the petitioner on the ground that in fact Rs. 81,000/- which is a crime proceed was recovered from the present petitioner. He further submits that it is a case of dacoity where 6 persons entered into the Godown of the complainant, and in the fear of death they looted the electronic articles lying therein. The learned State Counsel further informs this Court that the final report has been filed after completion of investigation but the charges are yet to be framed, and the prosecution has cited as many as 18 witnesses in the final report. It is also not disputed that the other co-accused has already been extended the benefit of regular bail.

4. At this stage, the learned counsel for the complainant has filed his duly executed *Vakalatnama* and has admitted the factum of compromise, and extended 'no objection' in case the regular bail is granted to the petitioner.

5. This Court has examined the contentions raised by both the learned counsel for the parties, as well as the allegations levelled in the FIR.

6. It is not in dispute that the name of the present petitioner is not mentioned in the FIR. The recovery which was effected from the present petitioner has any connection with the alleged crime, is a moot question of facts, which is to be decided by the learned Trial Court concerned.



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7. Since the petitioner has suffered incarceration of about 4 months as on today, and is not involved in any other criminal case and considering the fact that the matter has been amicably settled between the parties, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

10. It is made clear that in case the petitioner is found involved in a similar kind of offence, the State is at liberty to file an appropriate application seeking cancellation of bail granted by this Court.

July 02, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No