

2024.PHHC.088524



214.

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

CRM-M-30544-2024

Date of decision: 16.07.2024

Monu and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Prateek Gupta, Advocate, for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana, for respondent No.1.

Mr. Umag Goyal, Advocate, for respondent No.2-complainant.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioners in case FIR No.0170, dated 25.04.2024, under Sections 384/506 of IPC, registered at Police Station Mahesh Nagar, District Ambala.

2. The aforesaid FIR was registered on the complaint of Rishab Gupta with the allegations that three boys entered in his factory in a white colour i20 car and demanded money being members of Monu Rana Gang and threatened to face consequences in case of non-payment of the money.

3. Learned counsel for the petitioners has argued that it was due to some misunderstanding with the staff members of the complainant, the petitioners have been falsely implicated in the present FIR. In fact, the

petitioners were visiting the premises of the complainant in good faith with the sole intention of inviting him as Chief Guest at the wrestling competition. Petitioners were not named in the FIR by the complainant. They are in custody since 26.04.2024. Nothing is to be recovered from them. Even otherwise, the matter has been compromised between the petitioners through their family members and the complainant. The complainant has also sworn an affidavit that he has no objection if the present FIR is quashed qua the petitioners. A petition i.e. CRM-M-28335 of 2024 has also been filed for quashing of present FIR on the basis of compromise, wherein while issuing notice of motion on 31.05.2024, this Court had directed the parties to appear before the learned trial Court for recording their statements qua the compromise and the said case is pending for 06.09.2024 awaiting report. Learned counsel further submits that petitioners are not involved in any other case. No useful purpose would be served by keeping the petitioners behind bars.

4. Learned State counsel has filed reply by way of an affidavit of Rajat Gulia, HPS, Deputy Superintendent of Police, Ambala Cantt., District Ambala, on behalf of respondent, in Court today, which is taken on record. Though he has opposed the bail but does not dispute the custody and the fact that the matter has been compromised between the parties and a petition for quashing of FIR has also been filed before this Court. He has fairly submitted that the petitioners are not involved in any other criminal case and are not previous convicts.

5. Learned counsel for respondent No.2-complainant has admitted the factum of compromise and has submitted that respondent has no objection if the petitioners are released on regular bail.

6. I have heard the submissions of learned counsel for the parties and have gone through the paper book.

7. Considering the fact that petitioners are in custody for the last 2 months and 20 days; no other case has been pointed out against them; the matter has been compromised, this Court deems it appropriate to release the petitioners on regular bail.

8. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on regular bail subject to their 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.

(GURBIR SINGH)
JUDGE

July 16, 2024
sanjeev

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