

2024:PHHC:130032



107+223.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31175-2024 (O&M)
Date of decision: 30.09.2024

Harish Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sunil Kumar Bajaj, Advocate, for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Sarvesh Kumar Gupta, Advocate, for the complainant.

GURBIR SINGH, J.

CRM-39520-2024

Prayer in this application filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 is to place on record compromise deed as
Annexure P-1.

For the reasons mentioned in the application, same is allowed
and the documents Annexure P-1 and Annexure P-2 which is copy of
aadhar card of complainant, are taken on record subject to all just
exceptions.

CRM-M-31175-2024

1. This petition has been filed under Section 439 of Cr.P.C. for
grant of regular bail to the petitioner in case FIR No.0209, dated

28.05.2024, registered under Section 379-B of IPC, 1860 at Police Station Sirsa Sadar, District Sirsa.

2. The aforesaid FIR was registered on the statement of complainant Prahlad Singh with the allegation that on 27.05.2024 when he was returning home after collecting roll number of his sister from Rashobha College, Sirsa, a young boy restrained his way and forcibly snatched the keys as well as his motorcycle and started giving beatings to the complainant and further asked the complainant to hand over whatever he was carrying with him. In the meantime, another young boy, who was standing nearby the road, also came there on his motorcycle and then they both started giving beatings to the complainant and dragged him on the road. As a result of which, the complainant received injuries and on his raising alarm, the passersby reached there and on seeing them, they both fled away from the spot.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. In fact, there was minor altercation of petitioner with the complainant on the road. The police brought them to the police station and the complainant, being acquainted with the police officials, has implicated the petitioner with stringent offence under Section 379-B IPC.

3.1 Learned counsel for the petitioner has further argued that the petitioner is in custody since 28.05.2024. Challan has already been presented. The alleged recovery of motorcycle has already been effected.

No useful purpose would be served by further incarceration of the petitioner. Moreover, matter has been compromised between the parties and the complainant has stated that he does not want to proceed further in the instant FIR against the petitioner and has no objection if the same is cancelled/quashed.

4. Learned State counsel, while referring to the reply already filed, has opposed this petition by contending that the allegation against the petitioner and his co-accused are serious. The petitioner is involved in one more case. However, he has not disputed the custody of the petitioner.

5. Learned counsel appearing on behalf of complainant has not disputed the factum of compromise having been effected between the parties.

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

7. Considering the fact that the petitioner is custody since 28.05.2024, matter has been compromised between the parties, culpability of the petitioner would be determined during trial and completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

8. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty

Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

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

September 30, 2024
sanjeev

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