



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

210

CRM-M-33368-2024
Date of decision : 19.7.2024

Vijay Kumar**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Bakul Garg, Advocate, for the petitioner

Mr. B.S. Virk, Senior DAG, Haryana

SANDEEP MOUDGIL, J (ORAL)

This is a petition filed under Section 439 Cr.P.C. seeking regular bail in FIR No.172 dated 29.8.2023, under Section Sections 392, 397, 120-B, 201 of the IPC and Section 25 of Arms Act, 1959, registered at Police Station Buria, District Yamuna Nagar.

2. Learned counsel for the petitioner would submit that in the instant case challan has already been filed after completion of investigation wherein the petitioner is behind bars for almost 3 months. In addition to that, he would submit that the parties have already settled the dispute and decided to live peacefully in the society as law abiding citizens. In that regard, reference has been made to the compromise dated 18.5.2024 (Annexure P-3), attached with connected petition bearing CRM-M No.32768 of 2024. Moreover, co-accused Arjun has already been granted regular bail by this Court vide order dated 17.7.2024.

4. On the other hand, learned State counsel would contend that the



petitioner is involved in 2 other cases though he is on bail in both the cases.

5. Be that as it may, having given considerable thought to the submissions made by learned counsel for both the sides, this Court can in all respect sum up that parties though may be involved in scuffle but now have settled the dispute amicably as has been argued by learned counsel for the petitioner, vide compromise dated 18.5.2024 and the petitioner has been undergone 3 months 18 days as of now. Co-accused Arjun has already been granted the concession of regular bail vide order dated 17.7.2024. It would be of no use to keep him behind bars, whereas the trial will take long time to complete wherein out of total 16 witnesses, only 7 have been examined so far. The parties have already entered into a compromise and it will help the case of present petitioner/accused as well who is likely to earn acquittal with strong probability.

6. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other

cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

7. In view of the aforesaid facts and discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. The petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

19.7.2024
Ashwani

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