



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

291

CRM-M-35887-2024
Decided on :22.08.2024

SARWAR AND ANOTHER

... Petitioners(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. D.K.Tuteja, Advocate
for the petitioners(s).

Mr. Brijesh Sharma, AAG, Haryana.

Mr. M.S.Kathuria, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioners in case FIR No.0086 dated 11.05.2024 under Sections 323, 506, 308, 34 IPC (Section 325 IPC added later on) registered at Police Station Lakhan Majra, District Rohtak.

2. The brief facts of the case are that the above noted F.I.R.

(Annexure P-1) was registered on the statement of Darshan son of Ramphal resident of Village Girawar which is reproduced here:

“It is respectfully submitted that I Darshan son of Ram Phal am resident of Village Girawar. I had an argument with my younger brother Karambir and Chhabila on the issue of dol of the fields because Chhabila had cut the dol of the filed. For decision of the dol I had gone with Chhabila and Karambir in the fields. On 10.05.2024 it was about 08.00 AM. The entire fault on the issue of dola was being pointed out towards Chhabila. I and Karambir were convincing time and again Chhabila. On the spot Deepak and Sarwar (Neeru) sons of Chhabila were already present on the spot. Chhabila asked his both sons to kill Darshan and Karambir. Meanwhile Neeru brought Kassi and Deepak Iron Rod from his Kothas. Meanwhile Chhabila picked up a Danda lying there. Neeru inflicted various blows with intention to kill on the head of me and Karambir by Kassi. Deepak inflicted various blows on our head by rod. Chhabila inflicted various injuries with the danda in his hand on head and entire body. Despite that all the three kept on inflicting injuries upon us. Meanwhile my son Amit and other persons of the village came there. Noticing them, Chhabila, Deepak and Neeru taking us as dead ran away from the spot with their respective weapons.”



3. At the very outset, learned counsel for the parties submits that the matter has been compromised between the parties and the said compromise has been annexed as Annexure A-1. The petitioners have undergone an actual custody of 03 months and 06 days and are not involved in any other case.

4. The complainant-Darshan and injured-Karambir are in-person present in Court today and have verified the factum of compromise.

5. Learned State counsel has filed the custody certificate dated 21.08.2024 in Court today, which is taken on record. As per custody certificate, the petitioners have undergone an actual custody of 03 months and 06 days and there is no other criminal case registered against them. Moreover, on instructions from ASI Pawan Kumar, he submits that challan was presented on 13.07.2024 and charges are yet to be framed. However, in view of the serious allegations against the petitioners, they are not entitled to the concession of regular bail.

6. Heard.

7. The veracity of the allegations leveled against the petitioners shall be established during the course of the trial. Admittedly, a compromise has been effected between the parties. The petitioners have undergone an actual custody of 03 months and 06 days and are not involved in any other case. The trial of the case will take considerable time and no useful purpose will be served by detaining the accused in custody.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing adequate bail/surety



bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

22.08.2024
Kavita Nain

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