

ARUN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sunny Tyagi, Advocate for the petitioner. (through V.C)

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Balwan Singh, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
150	15.05.2024	323, 324, 326 and 506 IPC	Israna, District Panipat

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on account of matrimonial misunderstanding and is in custody since 15.05.2024 and in the meanwhile a compromise has been effected between the parties

and in this regard complainant has sworn an affidavit dated 14.08.2024 (Annexure P-1). He contends that the petitioner is not having any criminal antecedents and the complainant happens to be the wife of the petitioner and the instant case was registered on account of some misunderstanding which now has been cleared. Hence he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these arguments by arguing that the petitioner has caused injuries to the complainant on her stomach, chest and whip, as such he is not entitled for concession of bail.

5. Learned counsel appearing on behalf of the complainant submits that the complainant happens to be the wife of petitioner and with the intervention of the respectables, the misunderstanding between the parties has been cleared and complainant has sworn an affidavit (Annexure P-1) in this regard stating that complainant has no objection, if bail is granted to the petitioner.

6. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the complaint of Nitika wife of petitioner alleging that the petitioner had caused multiple injuries on her, accordingly petitioner was arrested on 15.05.2024 and since then he is in custody. Meanwhile, a compromise has been effected between the injured and the petitioner who otherwise happens to be the husband and wife. After completion of investigation, challan has already been presented in Court and the conclusion thereof, to ascertain criminal liability, if any of the petitioner in the present case triable by the Court of Magistrate, will take



sufficient long time.

7. In these circumstances and keeping in view the categorical statement of complainant given through affidavit dated 14.08.2024 (Annexure P-1) pleading no objection in case bail is granted to the petitioner, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.10.2024
Gyan

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |