



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

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CRM-M-43259-2024

Date of decision: 13.11.2024

SANJEEV KUMAR

....Petitioner

V/s

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dharamvir Dhindsa, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

Mr.Hamid Hussan, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.0085 dated 25.04.2024 under Sections 323, 34, 506 (Sections 325, 307 of IPC added later on) of the IPC registered at Police Station Raipur Rani District Panchkula.

2. Learned counsel for the petitioner has submitted that the petitioner has now been in custody since 13th August, 2024 in an occurrence which happened at the spur of the moment on account of some property dispute between the parties; the petitioner allegedly inflicted *Lathi* blow on the head of the complainant along with the co accused. It has been submitted by the learned counsel that investigation in the present case is complete as challan stands presented, however charges are likely to be framed only on the next date of hearing. It has still further been submitted



by the learned counsel that after the registration of the FIR in question, the parties, who are co villagers, have now ironed out their differences with the intervention of respectables and well wishers and have decided to put to rest the dispute between them. It has also been submitted by the learned counsel that the parties are in the process of approaching this Court under Section 528 of the BNSS for quashing of the FIR in question on the basis of compromise. A prayer has, therefore, been made for accepting the prayer of the petitioner and admitting him to bail.

3. Mr. Hamid Hussan, Advocate has entered appearance on behalf of the complainant/respondent No.2 and has filed his power of attorney which is taken on record. Learned counsel for the complainant has not disputed that the parties have indeed resolved all their disputes and arrived at an amicable settlement; petition under Section 528 of the BNSS would be filed shortly before this Court for quashing of the FIR in question. Learned counsel for the complainant further submits that in view of the compromise so affected between the parties, he does not oppose the prayer made by the learned counsel for the petitioner for extending the concession of bail to the petitioner.

4. *Per contra*, learned State counsel however, has opposed the prayer and submissions made by learned counsel opposite by drawing the attention of this Court to the allegations levelled in the FIR in question which has been annexed as Annexure P-1. It has been submitted that there are specific and serious allegations against the petitioner and his brother of inflicting continuous blows on the head of the complainant as a result of



which he sustained as many as 150 stitches. Learned State counsel, however, has not disputed that investigation in the present case is complete and challan stands presented.

4. I have heard learned counsel for the parties and perused the material placed on record

5. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail with no opposition from learned counsel for the complainant to the prayer made for extending the concession of bill to the petitioner.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

November 13, 2024
poonam

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