



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

CRA-S-3128-2024

Date of Decision : 23.10.2024

VINAY ALIAS MOLU

.....Appellant

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vimal Kumar Gupta, Advocate,
for the appellant.

Mr. Rajesh Gaur, Addl.A.G., Haryana.

Ms. Kajal, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant appeal, the appellant challenges the order dated 03.09.2024, whereby, the learned Additional Sessions Judge, Gurugram, has declined to grant him regular bail, in FIR No.105 dated 30.04.2018, under Sections 294/506 of the IPC (Sections 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 added later on), registered at P.S. Sector-37, Gurugram.

2. It is not under dispute that the appellant was earlier granted the relief of regular bail in the instant FIR, and he was continuously appearing before the learned trial court concerned.

3. In asking for the relief (*supra*), learned counsel for the

appellant submits that the appellant neither caused appearance on dated 09.08.2024, before the learned trial court concerned, nor any application for exemption from personal appearance was filed, which led the latter concerned, to cancel the appellant's bail, consequently, his bonds were ordered to be forfeited to the State and his warrants of arrest were issued.

4. He further submits that in pursuance of the aforesaid order, the appellant surrendered before the learned trial court concerned on dated 03.09.2024, i.e. within a month.

5. He also submits that the matter has now been amicably settled between the parties concerned, and a petition bearing No.48726-2024, under Section 528 of BNSS, 2023, has also been preferred by the appellant seeking quashing of FIR (*supra*), on the basis of compromise, which is also pending consideration before this Court.

6. On the other hand, learned State counsel has opposed the grant of aksed for relief (*supra*), to the present petitioner, and he has filed a status report, dated 19.10.2024, by way of an affidavit of Sh.Vipin Kumar Ahlawat, ACP, Manesar, Gurugram, which is ordered to be taken on record.

7. Today, Ms. Kajal, Advocate, has caused appearance on behalf of the complainant, through a validly executed power of attorney in her favour. The same is taken on record. She admits the factum of cormpomise arrived at between the parties concerned, and extended her no objection, in case the appellant is enlarged on regular bail by this Court.

8. In view of the above factual aspect, the instant appeal deserves to be **allowed**, the impugned order dated 03.09.2024, is hereby ordered to be **set aside**.
9. The appellant is ordered to be released on regular bail, on furnishing of fresh bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate, if not required, in any other criminal case.
10. Moreover, anything observed here-in-above shall have no effect on the merits of the trial, and is meant for deciding the present appeal only.
11. All pending application(s), if any also, stand **disposed** of accordingly.

October 23, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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