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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49630-2024 (O&M)
Date of decision: 14.10.2024

Balwant Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Bhupinder Singh, DAG, Haryana
for respondent No.1-State.

Mr. J.S. Rana, Advocate
for respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition filed under Section 439 of Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.71 dated 06.04.2024, under Sections 323, 324, 506 of IPC (Section 307 of IPC, added later on), registered at Police Station Rajound, District Kaithal.
2. The petitioner, who has suffered incarceration of about four months, seeks relief of regular bail on the ground that the instant FIR is outcome of a domestic dispute between two real brothers.
3. Learned counsel for the petitioner, at the very outset, submits



that the matter has now amicably settled inter-se the parties, and the complainant-Jora Singh, respondent No.2, has no objection in case the petitioner is granted the relief of regular bail.

4. The instant FIR was registered on the complaint made by one Jora Singh, alleging therein, that the present petitioner is his real brother, who is an alcoholic, and vangabond, and he picks up quarrel on small/trivial issues, and he used to misbehave with his wife and children as well. On the date of occurrence i.e. 05.04.2024, when his family was asleep, the petitioner around 11:00 p.m. inflicted blow with old Kassi on the face of the complainant, and also when the complainant was screaming with pain, the petitioner inflicted two more blows upon him. He was finally rescued by Balwant's wife Jeeto, and the neighbours rushed to the spot, and saved the complainant from the clutches of the petitioner, while the petitioner escaped from the spot with his weapon-“Kassi”, while threatening to kill the complainant.

5. Today Mr. J.S. Rana, Advocate, caused appearance on behalf of the complainant-respondent No.2, through validly executed vakalatnama in his favour, he submits that that now the matter has been compromised between the parties concerned, and he has no objection in case the petitioner is granted the relief of regular bail.

6. On the other hand, learned State counsel, today placed on record the custody certificate of the petitioner, which reflects that the petitioner has suffered incarceration of 03 months and 23 days as on 13.10.2024, and he is not involved in any other case. He further informed the Court that the final report in this case was filed on dated 18.08.2024, but



the charges have yet to be framed. He further submits that total 17 witnesses has been cited by the prosecution in the final report.

7. Be that as it may be, considering the fact that the matter has been compromised, the dispute is between two real brothers and the petitioner has suffered the incarceration of about 03 months and 23 days and the trial is yet to begin, this Court deems it appropriate to allow the present petition. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

14.10.2024

Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No