



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

CRM-M-50718-2024

Date of Decision : 28.10.2024

AJAY

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sahil Choudhary, Advocate,
for the petitioner.

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

Mr. Sandeep Saini, Advocate,
for Mr. R.K.Khubber, Advocate,
for respondents no.2 to 4.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioners craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.490, dated 24.11.2023, under Sections 323, 325 and 307 IPC (Sections 379, 34 and 506 IPC added later on), registered at Police Station Israna, District Panipat.

2. The instant FIR, was registered on an information received by the police regarding admission of victim Ashu, Parveen and Karambir, in the NC Medical College, Israna, District Panipat, due to the injuries received on account of assault. The relevant extract of the FIR reads as under:-

“.....that police on 22.11.2023 received an information that victims Ashu, Parveen and Karambir were admitted in NC Medical College Israna District Panipat due to injuries received in an assault. As such a police team headed by HC Rajesh reached at said medical institute. Doctor on duty declare that victims were unfit to make statements There in the hospital Karambir son of Dhara Singh r/o Shamdi was present who got recorded his statement to the police making information of these facts on 22.11.2023 his nephew /victim Parveen and another relative/victim Ashu were coming from Panipat to Gohana. When they reached near Mahakal Dhaba on Shahpur Bus Stand, they saw that accused Chhabil driver of a vehicle of their known Kamal Transporter was pilfering diesel from the vehicle. Victim Parveen made a phone call to owner Kamal informing him of above incident of pilferage of diesel from his vehicle. Victim Parveen also made video of the incident as requested by owner Kamal. But in the meanwhile accused Ajay, owner of the Dhaba, accused driver Chhabil Singh came and asked victim Parveen to delete the video. Parveen told to the accused that he had already sent video to owner Kamal who also arrived at the spot after some time. Kamal asked accused Chhabil Singh to go to police station. However in the meanwhile accused Ajay and Chhabil called six other musclemen at the spot who were armed with lathis, dandas and rods. Accused assaulted victim Karambir by hitting him with a rod on his head proclaiming that victims would be killed. This fact was also disclosed in the statement of Karambir that he, Parveen and Ashu were inflicted grievous injuries by above accused, who fled the spot giving threats to kill all the three victims 7. On the basis of above complaint police registered present FIR under sections 379, 323, 506,34 IPC. During the course of investigation MLRs of victim Ashu, Parveen, Karambir were collected.”

3. In asking for the relief (*supra*), learned counsel for the petitioner, mainly placed reliance upon a compromise, dated 30.09.2024, as effected between the parties concerned (Annexure P-3). He further submits that all the victims are now hail and hearty.

4. Finally, he submits that the petitioner is in custody since 02.05.2024, and he is a man of a clean antecedents, and has suffered sufficient incarceration in the instant matter, and the trial is still at an initial stage, therefore, further incarceration of the petitioner is unwarranted.

5. Learned counsel for respondents no.2 to 4, submits that he has no objection in case asked for relief of regular bail is granted to the

present petitioner, in the instant FIR. He also authenticate the compromise (*supra*), as arrived at between the present petitioner, and victims/respondents no.2 to 4.

6. On the other hand, learned State counsel, informs this Court, on instructions imparted to him by the police official concerned, that in the instant FIR, final report has been filed on dated 11.07.2024, and charges have been framed on dated 22.08.2024. In the final report, the prosecution has cited total 13 witnesses, but none of them, has been examined so far.

7. This Court has heard the learned counsel for all the parties concerned, and has gone through the entire case file.

8. Considering, the nature of allegations, as levelled against the present petitioner, as well as the fact that the petitioner is in custody since 02.05.2024, and he is not involved in any other criminal case, and the charges have been framed on dated 22.08.2024, however, out of the total 13 prosecution witnesses, none has been examined, and conclusion of the trial would take a long time, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of his respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

10. All pending application(s), if any, also stand **disposed** of accordingly.

October 28, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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