

250

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-59236-2023
Date of decision:-19.03.2024

SUNIL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Sarun Hans, Advocate
for the petitioner.
Mr. Vishal Malik, DAG, Haryana.
Mr. Abhinav Sood, Advocate for complainant.

SANJIV BERRY, J. (ORAL)

Custody certificate dated 18.03.2024 filed by learned State counsel is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
587	02.11.2022	323, 379-B/506, 34 IPC	Narnaund, District Hisar

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. He

submits that compromise has been effected between the parties vide affidavit dated 21.11.2022 (Annexure P-2). He submits that petitioner is in custody since 26.05.2023, challan has already been presented in Court, charges have been framed, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel has not disputed the factual matrix of the case but states that considering the nature and gravity of offence the petitioner does not deserve concession of bail. However he has admitted that challan has already been presented in Court and charges have been framed and prosecution has cited 13 witnesses and none of them have been examined till date.

5. Mr. Abhinav Sood, Advocate has put in appearance on behalf of the the complainant-victim and filed Vakalatnama, the same is taken on record. He has admitted that the complainant-victim has effected compromise dated 21.11.2022 (Annexure P-2) with the petitioner and has no objection in case the bail is granted to the petitioner.

6. After considering the rival contentions and going through the record, it transpires that petitioner was arrested on 26.05.2023 in the aforesaid FIR on the allegations that he has snatched the motorcycle and money from the victim-complainant. After completion of investigation, challan has already been presented in Court, charges have been framed. It is pertinent to mention here that although the offences are not compoundable but the petitioner has already effected compromise with the complainant-victim (Annexure P-2), the genuineness thereof has been admitted by the learned counsel appearing on behalf of the complainant-victim. Prosecution

has cited 13 witnesses and none of them have been examined till date, the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by keeping petitioner behind bars any longer.

7. Resultantly, 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

19.03.2024

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