



CRM-M-59892-2024

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

(230)

CRM-M-59892-2024

Date of Decision : 04.12.2024

Manoj Kumar and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rahul Chauhan, Advocate
for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Virender Soni, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 483 of the BNSS (erstwhile Section 439 Cr.P.C.), a prayer is made for grant of regular bail to the petitioner, in case FIR No.308 dated 03.10.2024 (Annexure P-1), under Sections 115, 118(1), 191(3), 333, 351(2) and 190 of the BNS, 2023 (Sections 109(1) and 118(2) of BNS added later on) registered at Police Station Chhappar, District Yamuna Nagar, Haryana.

2. The allegations, which are culled out by the learned Additional Sessions Judge, Yamuna Nagar, at Jagadhri, Haryana, while declining the relief of regular bail to the petitioners, are extracted hereinafter :-

“On intervening sight of 02.10.2024 at around 12:30 am the accused persons 2 inclusive of applicants after armed with deadly sharp edge weapons like knife etc formed an unlawful assembly which in prosecution of common object committed house trespassing at night, subsequently rioted, without provocation and in pursuance of previous enmity



restrained and murderously assaulted by causing multiple grievous injuries with aid of dangerous sharp edge weapon on vital body parts of victim - Sahil son of complainant aggravated by criminal intimidation, accordingly moved criminal law into motion as such instant FIR initially under Section 115, 118(1), 191(3), 333, 351(2) / 190 BNS 2023 was registered, subsequently on the basis of medical report, Section 118(2) and 109(1) BNS 2023 were incorporated, resulting in arrest/apprehension of accused Haridass alias Sarauv, Gaurav, Raj Kumar and Manoj Kumar on 22.10.2024, leading to recovery of weapon of offence (knife) on 23.10.2024 from conscious possession of accused Harisass alias Saurav, while other co-accused are still at large.”

3. On asking for the relief (supra), learned counsel for the petitioners submits that all the four petitioners have suffered incarceration of about 01 month, as on date, and has clean antecedents. He further submits that it is *inter se* family dispute, and now, the matter has been compromised. Finally, he submits that the investigation in the FIR (supra), is still going on, and the recovery has already been effected, therefore, further custodial interrogation of all the petitioners, is totally unwarranted.

4. On the other hand, learned State counsel, has also placed on record the custody certificates dated 03.12.2024, qua all the four petitioners, today in the Court. The same are taken on the record, which reflects that all the four petitioners have suffered incarceration of 01 month and 11 days, as on today, and they are not involved in any other criminal case. Learned State counsel, further informs this Court, that the matter is still at the investigation stage.



5. Mr. Virender Soni, Advocate, has caused appearance on behalf of the complainant, and has filed his *vakalatnama* in the Court today. The same is taken on the record. He admit the factum of compromise, arrived at between the parties concerned, and submits that he has no objection, in case, all the four petitioners are granted the relief of regular bail.

6. This Court has heard the rival submissions, as made by the learned counsel for the parties concerned, and is of the view that the instant petition is amenable to be allowed for the reasons extracted hereinafter :-

- (i) that all the four petitioners have suffered incarceration of about 01 month and 11 days, as on date;*
- (ii) that the petitioners are not involved in any other criminal case, and has clean antecedents;*
- (iii) that the matter is still at the investigation stage;*
- (iv) that a compromise has already been effected between the parties concerned.*

7. Without observing anything on the merits of the case, considering the fact that the matter has now been compromised between all the parties concerned, this Court deems it appropriate to enlarge all the four petitioners on regular bail. Accordingly, the instant petition is **allowed**.

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

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

(KULDEEP TIWARI)
JUDGE

December 04, 2024

MANPREET SINGH
2024.12.05 18:38
I attest to the accuracy and
authenticity of this
order/judgment

Manpreet

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No