

CRM-M-61803-2024

2024:PHHC:170248



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

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CRM-M-61803-2024
Date of decision: 18.12.2024

NEERAJ @ SOURAV

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Vikram Rana, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Paramjeet Singh, Advocate for the complainant.

1. Present petition has been filed under Section 483 of BNSS 2023 for releasing the petitioner on regular bail in FIR No.187 dated 10.4.2024 under Section 379-B and later on added Sections 34 and 411 of IPC registered at Police Station Sadar Bhiwani, District Bhiwani.
2. Learned counsel for the petitioner submits that the petitioner has been in custody since 30.4.2024 in a case of false implication. Not only, the challan has been presented but even the material witnesses out of 24 witnesses cited by the prosecution have been examined; during the

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pendency of the trial, the parties have ironed out their differences and amicably settled all disputes between them.

3. Mr. Paramjeet Singh has filed power of attorney on behalf of respondent no.2. He does not dispute the submissions made by the counsel opposite and also does not oppose the prayer made by the petitioner for being enlarged on bail.
4. Learned State counsel has feigned ignorance about the compromise being effected between the parties. However, learned State counsel has reiterated the allegations levelled in the FIR which has been annexed as Annexure P-1 and reproduced as under:

“.....To SHO sahab, Thana Sadar Bhiwani, Subject regarding snatching of mobile. Shri Maan ji, it is my humble request that I am Naresh Kumar son of Shri Ramchandra resident of Chhoti Guga Madi, sadar Bazaar Bhiwani, yesterday on 09/04/2024 at about 09.30 PM I was going from my house to the field. When I was going from Tosham Bypass Chowk towards Jail Bhiwani. When I was on the west side of the road in front of Bapodha Minor Peer Baba, three young boys came riding a black bike and beaten me and snatched my mobile phone which had IDEA SIM and MI phone, SIM No. 9812329905, my mobile phone should be recovered by taking legal action against the above boys. Applicant Naresh Kumar S/O Ramchandra resident Choti Guga Madi Naya Bazar Bhiwani 9812329905 Action Police today I SI along with my companion HC Ramniwas No. 679/BWN, was in village Bapodra in Bhiwani for investigation of case no. 178 DT 06.04.2024 Section 436 IPC PS sadar, MHC police station informed that Naresh Kumar son of Ramchandra resident Choti Guga Madi Naya Bazar Bhiwani is admitted in GH Bhiwani due to a fight. Take action on which I reached Govt. Hospital Bhiwani with my companion, and after obtaining the doctor's letter and MLR of injured Naresh Kumar from PPGH Bhiwani, reached the bed of the injured person, who was found in the gallery outside the ward, who presented a written application to the SI, which on finding the occurrence of crime under section 379-B IPC in the application, a written complaint regarding the registered case is being sent to the police station of HC Ramniwas No. 679/BWN. I am leaving for the spot. After that, inform the registered case number through the

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slip. A special report of that case should be sent to the service of Area Magistrate. Today GH Bhiwani SD RADHESHYAM SI Police Station Sadar Bhiwani Date 10.04.2024 AT 02.15 PM. Today, on the basis of complaint received at police station, FIR No. 187 dated 10.04.2024 under section 379-B IPC was registered at Police Station Sadar Bhiwani and after giving the copy of the original complaint to the police, registration note HC Ramniwas No. 679/BWN was sent to SI Radheshyam 392/H. A special report of the FIR will be prepared and sent to the service of Area Magistrate and Officer. This FIR is being registered in the presence of ASI Mukesh 76/Bhiwani.....”

Learned State counsel has, however not disputed that all the material witnesses stand examined in the present case.

5. In the facts and circumstances as enumerated hereinabove, since the material witnesses stand examined coupled with the fact that the parties have also arrived at an amicable settlement, this Court deems it fit to extend the concession of bail to the petitioner as no further incarceration of the petitioner is required.
6. Accordingly, the instant petition is allowed and the petitioner is admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 18, 2024
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Whether speaking/reasoned
Whether reportable:

Yes
Yes/No