



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRA-S-4003-2024 (O&M)
Date of Decision:- 12.12.2024

HARPAL SINGH

....Appellant (s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sumit Sangwan, Advocate
for the appellant.

Mr. Surender Singh, A.A.G. Haryana.

Mr. Vikrant Rana, Advocate
for respondent No.2.

SANJIV BERRY, J. (ORAL)

CRM-48691-2024

For the reasons stated in the application, same is allowed.

Exemption is granted.

CRA-S-4003-2024

The present appeal has been preferred against the order dated
20.11.2024 passed by learned Additional Sessions Judge, Jind, whereby the
application for regular bail filed by the appellant had been dismissed in the



following FIR (Annexure P-1)

FIR No.	Dated	Sections	Police Station
99	04.03.2024	147, 149, 323, 341 and 506 IPC; (147 and 149 IPC deleted) [325, 307 and 34 IPC and 3(2)(v) SC& ST Act added later on]	City Jind, District Jind

2. It is, *inter alia*, contended by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case on account of supplementary statement of the complainant. He contends that no specific overt act had been attributed to him in the supplementary statement made by the complainant. He further contends that the appellant has no concern with the alleged transaction nor has he uttered any casteist remarks. He submits that the appellant is in custody since 12.08.2024 and during the course of proceedings, a compromise has been effected between the parties on 14.10.2024, (Annexure A-2) vide which the complainant has given his affidavit confirming the factum of compromise and that he has no objection in case the appellant is granted the concession of bail.

3. *Per contra*, learned State counsel has opposed the grant of bail to the appellant and prays for dismissal of the appeal keeping in view the gravity of offence. He has, however, not disputed the factual matrix and admitted that consequent upon the arrest of the appellant on 12.08.2024 and after the completion of investigation, challan has been presented in Court.

4. Mr. Vikrant Rana, Advocate has put in appearance on behalf of the complainant/respondent No.2 and filed his power of attorney, which is



taken on record. He has admitted the factum of compromise (Annexure A-2) effected between the parties and while referring to the same, has categorically stated at Bar that the complainant has no objection in case bail is granted to the appellant.

5. Heard learned counsel for the parties and perused the record.

6. Considering the fact that the appellant was not named in the FIR and his name surfaced in the supplementary statement of the complainant and that too no specific overt act being attributed to him and compromise having been effected between the parties vide which the complainant has specifically stated that he has no objection in grant of bail to the appellant, therefore, no purpose would be served by detaining the appellant in custody any longer. Otherwise also, challan has been presented in Court wherein the prosecution has cited 25 witnesses and none has been examined till date and the criminal liability, if any, of the appellant, could only be determined after the conclusion of trial, which may take sufficient long time.

7. Consequently, without commenting on the merits of the case, the present appeal is allowed. The order dated 20.11.2024 passed by learned Additional Sessions Judge, Jind is set aside and the appellant is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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

12.12.2024

S.Sharma(syr)

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