

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM No. M-21128 of 2017
Date of Decision: 08.08.2017

Paramjit @ Pappa

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM : HON'BLE MS. JUSTICE JAISHREE THAKUR

Present : Mr. Kamaldeep Singh Sodhi, Advocate
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.30 dated 03.03.2017 under Sections 363, 366-A of the Indian Penal Code and Section 8 of POCSO Act, registered at Police Station City Phagwara, District Kapurthala.

Learned counsel for the petitioner contends that the provisions of the said Sections are not made out and in fact, all disputes between the parties stand compromised by way of a compromise deed dated 21.04.2017 between the petitioner and the prosecutrix. In fact, a petition bearing CRM-M-19147 of 2017 has already been filed seeking quashing of the FIR on the basis of the compromise in which the parties have been directed to appear before the Illaqa Magistrate for recording of their statements. The report of the Illaqa Magistrate is awaited in the aforesaid criminal miscellaneous

petition for 11.09.2017.

It is also contended by learned counsel for the petitioner that the parties were known to each other and the prosecutrix voluntarily left with the petitioner herein.

Learned counsel for the respondent-State opposes the grant of regular bail to the petitioner but he is not in a position to dispute the fact that the criminal miscellaneous petition has already been filed for quashing of the FIR.

It is submitted that the matter was taken up by the trial Court on 01.08.2017 on which date, the complainant did not put in appearance and counsel for the petitioner submits that the next date is fixed for 22.08.2017.

Heard learned counsel for the parties.

In view of the fact that the petition for quashing of the FIR on the basis of the compromise is already filed, without going into the merits of the case, the present petition is accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned. However, in case the complainant/prosecutrix does not support the compromise arrived at, the regular bail granted would stand cancelled.

08.08.2017
Dinesh Bansal

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No