

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

CRM -M-29580 of 2017 (O&M)

Date of decision: 30.08.2017

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.K. Rohilla, Advocate for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana
assisted by ASI Subhash Chander.

Mr. J.S. Saneta, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 230 dated 30.04.2017, registered under Section 346 of IPC and Section 4 of The Protection of Children from Sexual Offences (*POCSO*) Act, 2012 at Police Station Gharaunda, Karnal.

It is contended that petitioner has been falsely implicated in the instant case. Even the compromise has been reached between the parties. The prosecutrix had a love affair with the petitioner. She projected herself to be major. Even as per record, she being more than 17 years at the relevant time had reached the age of discretion. The petitioner is in custody since 23.05.2017.

The learned counsel for the complainant admits the factum of compromise.

On the other hand, the learned State counsel vehemently opposes the bail application and states that there is a positive evidence against the petitioner with regard to Section 4 of the POCSO Act.

Heard.

Keeping in view the age of the parties and the compromise, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of CJM/Duty Magistrate/trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

30.08.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No