

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

**CRM No.M-9701 of 2017
Date of decision: 22.03.2017**

Akash Puri

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Achin Gupta, Advocate
for the petitioner.

REKHA MITTAL J. (Oral)

The petitioner prays for grant of bail in anticipation of arrest in FIR No.82 dated 28.05.2016 registered at Police Station City Kotkapura, District Faridkot for offence punishable under Sections 376, 506 and 120-B of the Indian Penal Code (in short 'IPC) (Sections 7/8 and 5/6 of the Protection of Children from Sexual Offences Act, 2012 added later).

Counsel for the petitioner has submitted that the instant FIR has been lodged at the behest of the victim aged about 16 years resident of Gopal Nagar, Bathinda raising allegations of sexual assault. It is further submitted that dispute between the two families including the complainant and the petitioner has been settled by way of compromise (Annexure P2). The complainant caused appearance before the Court of Sessions at Faridkot and got recorded her statement dated 14.02.2017 that the petitioner and the complainant have agreed to marry each other and compromise dated 11.01.2017 was admitted. It is

vehemently argued that as dispute between the parties has been settled by way of compromise and the prosecutrix and the accused have agreed to marry after the prosecutrix attains the age of 18 years, petitioner should be saved from incarceration though otherwise he is ready to join investigation and co-operate throughout.

I have heard counsel for the petitioner, perused the paperbook and the allegations raised in the FIR.

As per allegations in the FIR registered on 28.05.2016, the petitioner ravished a girl less than 16 years of age. As per the settled position in law, a minor cannot enter into an agreement/compromise. Any such compromise effected between the parties cannot be a ground, in the given circumstances, for grant of bail in anticipation of arrest. The compromise rather reinforces the allegations raised by the victim/complainant.

As the allegations are grave in nature, the petitioner does not deserve to be allowed concession of bail in anticipation of arrest.

Dismissed.

(REKHA MITTAL)
JUDGE

22.03.2017
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No