

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

CRM-M No.53849 of 2018
Date of decision: 11th December, 2018

Kirti Sharma

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. K.S. Sidhu, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Hoshier S. Jaswal, Advocate for respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Kirti Sharma in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.135 dated 19.08.2018 under Section 376 IPC pertaining to Police Station Division No.2, Ludhiana, as detailed before this Court are that the present case was got registered on the statement of an unmarried girl aged around 19 years, alleging that one-and-a-half months prior to the registration of the FIR, the accused petitioner Kirti Sharma aged around 23 years unmarried boy living in the neighbourhood and close to the family of the prosecutrix used to visit their house on account of illness of her father. It is further alleged that during one of those visits on 19.07.2018 around 12:30 p.m. the accused ravaged the prosecutrix

leading to registration of the FIR and arrest of the petitioner on 19.08.2018.

Learned counsel for the petitioner Mr. K.S. Sidhu, Advocate contends that there has been inordinate delay of one month in the alleged occurrence and registration of the present case and that parties have effected a compromise whereby the petitioner has been engaged to the prosecutrix and has produced the prosecutrix before this Court, who has been identified by her counsel Mr. Hoshier Singh Jaswal, Advocate, and who has vouched for having filed an affidavit dated 15.10.2018 and also made statement before this Court that she does not oppose allowing bail to the petitioner.

Though on behalf of the State, Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab on instructions from ASI Ms.Kuldeep Kaur, Police Station Division No.2, Ludhiana, has sought to oppose the grant of bail on the grounds of seriousness of allegations, however, learned counsel for the complainant Mr. Jaswal has submitted that since the parties have resolved their dispute and the boy has undertaken to marry the prosecutrix therefore, he does not object to grant of bail.

Appreciating the arguments of the two sides, since as a consequence of this incident the families have resolved their dispute over this occurrence whereby the boy has undertaken to marry the prosecutrix and the latter has filed her affidavit as well as made a statement before this Court that she does not object to allowing bail to the petitioner. In the

light of the same and without feeling necessity to go into the merits, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 11, 2018
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No