

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

CRM-M-22913-2019 (O&M)

Date of Decision:-30.5.2019

Pardeep Kumar @ Mukesh Kumar ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. F.S.Virk, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Proxy counsel for Mr. Gurminder Singh Salana, Advocate
for respondent No. 2.

GURVINDER SINGH GILL, J.(Oral)

1. Petitioner Pardeep Kumar @ Mukesh Kumar has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.53 dated 15.6.2018 under Section 377 of IPC at Police Station Ghanaur, District Patiala.
2. The FIR was lodged at the instance of Amrit wherein he has alleged that on the day of occurrence i.e. on the night between 13.6.2018 and 14.6.2018, a '*Chowanki*' (religious discourse) was going on near the house of the complainant where the complainant had also gone and where he met the petitioner Pardeep Kumar who told him that they have to serve water and tea to the persons who visit the said '*Chowanki*' and told him to accompany him to get glasses from the house. When the complainant accompanied the petitioner to the house, the petitioner started touching him and forcible committed unnatural offence.

3. The learned counsel for the petitioner has submitted that the FIR came to be lodged under some mistaken belief and that the misunderstandings have now been resolved and the matter has been compromised amongst the parties. The learned counsel, in this context, has referred to the compromise, annexed with the petition as Annexure P-2.
4. The proxy counsel appearing on behalf of complainant Mr. Gurminder Singh Salana, Advocate, representing respondent No.2, has also endorsed the fact that the parties have indeed compromised the matter.
5. The learned State counsel has, however, opposed the petition while submitting that in view of the serious allegations, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last about 11 months.
6. Having regard to the facts and circumstances of the case and while noticing that the parties have compromised the matter and that the petitioner has been behind bars since the last about 11 months, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner Pardeep Kumar @ Mukesh Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.5.2019

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No