

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213+104

CRM-8359-2019 in/and
CRM-M-52934-2018 (O&M)

Date of Decision:11.03.2019

Pawan Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Tajender K. Joshi, Advocate, for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. Manuj Chadha, Advocate, for the complainant.

HARI PAL VERMA, J.(Oral)

CRM-8359-2019

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record compromise dated 21.02.2019 (Annexure P-5).

Application is allowed as prayed for. The compromise dated 21.02.2019 (Annexure P-5) is taken on record.

CRM-M-52934-2018

Prayer in this 2nd petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.296 dated 12.09.2018 under Sections 354, 294, 506 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Division No.7, Police Commissionerate, Ludhiana, District Ludhiana.

The earlier petition i.e. CRM-M-48331-2018 filed by the petitioner was dismissed as withdrawn on November 12, 2018.

Learned counsel for the petitioner has argued that the petitioner

is 65 years of age. He is in custody since 12.09.2018. He has a son who is living in Australia. Petitioner's wife and two grand children are staying with him. He has further argued that the petitioner is running a kiriyana shop. On the relevant date, the victims visited his shop where they had touched the articles lying in the shop for which the petitioner had snubbed them. He states that now the matter has been compromised between the parties. He refers to the compromise dated 21.02.2019 (Annexure P-5).

Learned counsel for the complainant does not dispute the very factum of compromise.

However, learned State Counsel on instructions from ASI Resham Singh states that considering the nature of allegations, petitioner is not entitled the concession of bail. He further states that statements of the victims have been recorded under Section 164 Cr.P.C.

Heard learned counsel for the parties.

Admittedly, the petitioner is 65 years of age and he is in custody since 12.09.2018 and trial in the case will take sufficient long time. Moreover, the matter is stated to have been compromised between the parties, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

March 11, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No