

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-43296-2019

Date of Decision:20.12.2019

Kapil Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.

Mr. Davinder Kumar, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.114 dated 11.06.2019 under Section 376 IPC, registered at Police Station Canal Colony, Bathinda, District Bathinda.

The aforesaid FIR was registered at the behest of the prosecutrix who is a student of B.A. 3rd year and her father has expired. Therefore, she is living with her younger brother. As per FIR, petitioner-Kapil Kumar used to visit the house of the prosecutrix. He proposed her for marriage. On 14.10.2018 he came to the house of the prosecutrix at about 11.00 AM, when her brother Parmod has gone out for work. The petitioner

locked the outer semi-gate of the house, pulled the prosecutrix to the

bedroom, where he forcibly committed rape against her wishes. The prosecutrix asked the petitioner to perform marriage, but for the last about eight months by inducing the prosecutrix for marriage, he established physical relations with her. About 25 days earlier to the lodging of FIR, petitioner has visited the house of the prosecutrix and asked her to establish physical relations with her. However, on her refusal to do so, petitioner committed rape upon her. The prosecutrix again asked the petitioner to solemnize marriage with her. Thereafter, on 08.06.2019, he came to the house of the prosecutrix at about 4 O'clock and on that date, petitioner has refused to solemnize marriage with the prosecutrix.

On 06.11.2019, learned counsel for the petitioner has referred to the compromise dated 27.09.2019 (Annexure P-2) to contend that the parties have decided to solemnize marriage, this Court has admitted the petitioner on *interim bail* for a period of 45 days. Even the complainant, who was present in person, has not disputed the compromise so entered between the parties. Today, petitioner and the prosecutrix are present in the Court and they have been duly identified by their respective counsels.

Learned counsel for the petitioner states that the petitioner is still ready to solemnize marriage with the prosecutrix.

Learned counsel for the complainant-respondent No.2, on instructions from his client who is present in the Court, states that she has no objection in case petitioner is admitted on bail as he(petitioner) has assured the prosecutrix to solemnize marriage after some time. However, he states that the complainant is not in a position to solemnize marriage presently as she is not financially well off and therefore, she needs some time to solemnize marriage with the petitioner.

Since the complainant is present in person and is not opposing grant of regular bail to the petitioner, the present petition is allowed and the order dated 06.11.2019, whereby the petitioner was admitted on *interim bail* for a period of 45 days, is hereby made absolute.

December 20, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No